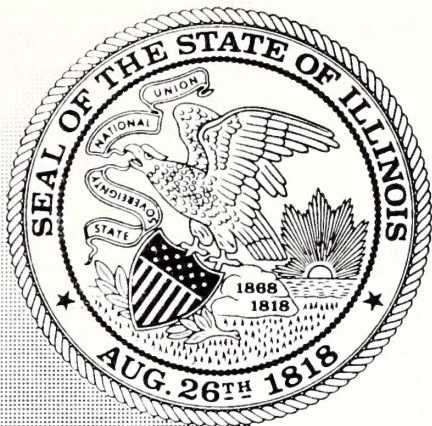


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1993

Illinois Register

Rules of Governmental Agencies

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Secretary of State

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 16, 1992	Dec. 23, 1992	1	(Mon.) Jan. 4, 1993	June 22, 1993	June 29, 1993	28	July 9, 1993
Dec. 23, 1992	Dec. 30, 1992	2	Jan. 8, 1993	June 29, 1993	July 6, 1993	29	July 16, 1993
Dec. 30, 1992	Jan. 5, 1993	3	Jan. 15, 1993	July 6, 1993	July 13, 1993	30	July 23, 1993
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Jan. 26, 1993	Feb. 2, 1993	7 (Tues.)	Feb. 16, 1993	Aug. 3, 1993	Aug. 10, 1993	34	Aug. 20, 1993
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Feb. 9, 1993	Feb. 16, 1993	9	Feb. 26, 1993	Aug. 17, 1993	Aug. 24, 1993	36	Sept. 3, 1993
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Mar. 9, 1993	Mar. 16, 1993	13	Mar. 26, 1993	Sept. 14, 1993	Sept. 21, 1993	40	Oct. 1, 1993
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May 18, 1993	May 25, 1993	23	June 4, 1993	Nov. 23, 1993	Nov. 30, 1993	50	Dec. 10, 1993
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June 8, 1993	June 15, 1993	26	June 25, 1993	Dec. 14, 1993	Dec. 21, 1993	1	Jan. 3, 1994 (Mon.)
June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Acquisition, Management and Disposal of Real Property

2) Code Citation: 44 Ill. Adm. Code 5000

3) Section number: Proposed Action:

5000.230 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 102, par. 3.1 [50 ILCS 105/3.1] and Ill. Rev. Stat. 1991, ch. 127, par. 63b13.1 [20 ILCS 405/67.01]

5) A Complete Description of the Subjects and Issues Involved:

Current rules do not provide for the updating of disclosure documents. The proposed amendment corrects that situation.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

John Brazaitis
712 Stratton Office Building
Springfield, IL 62706
(217)785-1944

12) Initial Regulatory Flexibility Analysis: Not applicable.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 2362.

1) Heading of the Part: Anticipated Salvage and Subrogation Recoverable

2) Code Citation: 50 Ill. Adm. Code 927

3) Section Numbers: Proposed Action:

927.10 Amended
927.20 Amended
927.30 Amended

4) Statutory Authority: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 748 and 1013).

5) A Complete Description of the Subjects and Issues Involved:

In an effort to remain consistent with the National Association of Insurance Commissioners (NAIC) standards regarding annual financial statement instructions, the Department is proposing the attached amendments.

The NAIC annual financial statement instructions were recently revised to allow reporting of loss reserves net of salvage and subrogation, at the state's discretion. These adjustments must be disclosed in the notes to the financial statement and must be calculated and documented according to the annual financial statement instructions and the accounting practices and procedures manual.

The Department is willing to allow insurance companies licensed to do business in Illinois to take this credit.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments will not require a local government to

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout, Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis:

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 927
ANTICIPATED SALVAGE AND SUBROGATION RECOVERABLE

Section
927.10 Authority
927.20 Purpose and Scope
927.30 No Credit Permitted

AUTHORITY: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 748 and 1013).

SOURCE: Adopted at 5 Ill. Reg. 1034, effective January 14, 1981; codified at 7 Ill. Reg. 2362; amended at 17 Ill. Reg. _____, effective _____.

Source 927.10 Authority

This Rule Part is promulgated by the Director of Insurance pursuant to authority contained in Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) which empowers the Director "... to make reasonable rules and regulations as may be necessary to make effective . . ." insurance laws of the State of Illinois. This Rule Part implements particularly Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 927.20 Purpose and Scope

The purpose of this Rule Part is to continue uniformity in annual statements filed with the Director of Insurance pursuant to Section 136 of the Illinois Insurance Code as respects the treatment of salvage and subrogation recoverables. This Rule Part applies to all domestic, foreign and alien companies authorized to transact business of insurance in the State of Illinois.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 927.30 No Credit Permitted

~~Due to the difficulty in ascertaining the value of items received as salvage on losses and determining the amount which might be recoverable by subrogation on losses (whether paid or unpaid), insurance companies licensed to do business in this State shall not take credit in any annual statement or interim statement filed with the Director for salvage or subrogation recoveries until such recoveries have been reduced to cash or its equivalent. Furthermore, past recoveries shall not be considered in the development of otherwise required reserves.~~

~~An insurance company licensed to do business in this State may take credit in any annual statement or interim statement filed with the Director for anticipated salvage and subrogation, recoverable on paid or unpaid losses, which has not been reduced to cash, provided the company's net reserves are adequate to meet all future claim obligations. Any credit taken under this Section shall be in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, which permit the recording of reserves net of anticipated salvage and subrogation.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Collections And Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Numbers: Proposed Action:
165.70 Amendment
- 4) Statutory Authority: Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-18, 12-4.4 and 12-13) [305 ILCS 5/11-18, 5/12-4.4 and 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments are necessary to align AFDC, AABD and GA recoupment of overpayment policies with Food Stamp recoupment of overpayment policies. Under current policy, financial assistance overpayments and Food Stamp overpayments are treated differently. AFDC, AABD and GA overpayments are recouped from any AFDC, AABD or GA case that includes a person, child or adult, who was in the original overpaid case while Food Stamp overpayments are only recouped from cases that contain an adult member of the overpaid case. Consequently, a financial assistance case may be subject to recoupment for overpaid financial assistance while the Food Stamp overpayment for the same case is not subject to recoupment because the adults associated with the Food Stamp overpayment are no longer in the household. As a result of these amendments, overpayments will only be recouped from AFDC, AABD and GA cases that contain an adult who received financial assistance in the case that was overpaid.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 165
COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section	
165.1	Incorporation By Reference
165.10	Overpayments
165.20	Determination of Financial Assistance Overpayments
165.30	Types of Food Stamp Overpayment Claims
165.40	Determination of Food Stamp Overpayments
165.42	Establishment of Claims for Food Stamp Overpayments
165.50	Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE OVERPAYMENTS FROM CURRENT CASES

Section	
165.70	

Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM CURRENTLY PARTICIPATING HOUSEHOLDS

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165.84	Determination of Monthly Allotment Reductions
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SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

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165.100	Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
165.102	Demand for Repayment
165.104	Methods of Involuntary Repayment
165.106	Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1991, ch. 23, pars. 11-18, 12-4.4 and 12-13) [305 ILCS 5/11-18, 5/12-4.4 and 5/12-13].

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section 165.70

Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

- a) When the Department determines that an AFDC, AABD or GA assistance unit has received assistance to which it is not entitled, the Department shall recoup the overpayment from:

- 1) the current assistance grant; or
- 2) the assistance grant case that now contains the former grantee of the overpaid assistance case; or
- 3) the assistance grant case that now contains any adult member of the overpaid assistance case. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

- b) The entire overpayment will be recouped in as short a time as possible. However, the amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the respective payment standard for a family or individual of that size with no income. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

- c) For AFDC and GA, the family's or individual's total income shall include all gross earned income, less the earned income disregard and child care deduction if applicable, all unearned income, and all assistance payments. For AABD, total income shall include net earned income, all unearned income, and all assistance payments.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs

- 2) Code Citation: 89 Ill. Adm. Code 120

- 3) Section Number: Proposed Action:

120.61 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: As a result of Public Law 102-568, these proposed amendments allow for the use of a \$90 monthly income disregard for veterans surviving spouses residing in long term care facilities. In order to receive the \$90 income disregard, the surviving spouse must receive reduced monthly veterans benefits in the amount of \$90 and not have a dependent child. This income disregard prohibits the \$90 per month in veterans benefits from being applied toward the cost of the surviving spouse's nursing home care.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.70	Amendment	January 22, 1993 (17 Ill. Reg. 711)
120.73	New Section	January 22, 1993 (17 Ill. Reg. 711)
120.75	New Section	January 22, 1993 (17 Ill. Reg. 711)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

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Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section

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120.11

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Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

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MANG(C) Income Standard

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Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

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Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
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NOTICE OF PROPOSED AMENDMENTS

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120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
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120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Foster Care Program
120.325 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earnmarked Income
120.346 Medicaid Qualifying Trusts
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income

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- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Assessment of Assets
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
- 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
- 120.395 Payment Levels for MANG
- 120.399 Redetermination of Eligibility
- AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13) [305 ILCS 5/3-1 et seq., 5/4-1 et seq., 5/5-1 et seq., 5/6 et seq., 5/7-1 et seq. and 5/12-13]
- SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3

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- Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; emergency amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by

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adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended

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at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and All Other Licensed Medical Facilities

a) The policy set forth in subsections (b), (c), (d) and (e) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities. The policy set forth in subsection (f) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and all other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642).

b) Treatment of Resources

1) A one-month eligibility period will be used. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.

2) When a client transfers between non-DMHDD facilities or

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Section 120.61(b)(2) (continued)

transfers to a DMHDD facility, non-exempt income and/or excess assets are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income and/or excess assets are not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the month of discharge from the DMHDD facility or non-DMHDD.

3) If non-exempt income and non-exempt assets over the applicable asset disregard are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.

c) Allow a deduction from the MANG client's income to meet the needs of dependent children under age 21 who do not reside with the community spouse, who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:

1) for dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).

2) allow any payments made on medical bills for the children.

d) Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

1) The deduction for the Community Spouse Maintenance Needs Allowance, as of October 1, 1989, is equal to the community

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Section 120.61(d)(1) (continued)

spouse maintenance needs standard (\$1,500) less any non-exempt monthly income of the community spouse. The amount established as the community spouse maintenance needs standard shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.

2) The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any non-exempt income of the family member.

e) Allow a \$90.00 per month income disregard for veterans residing who have neither spouse nor dependent child or surviving spouses who do not have a dependent child who reside in long term care facilities and who receive reduced monthly veterans benefits in the amount of \$90.00-and-who-do-not-have-a-spouse-or-dependent-child. Veterans Persons allowed the \$90.00 per month income disregard are not also permitted the \$30.00 per month personal allowance (see Section 120.40).

f) Deduction from MANG program

1) A deduction from the MANG program participant's income shall be permitted for up to six months to maintain a residence in the community when:

A) the individual does not have a spouse and/or dependent children in the home; and

B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months.

2) To determine the amount of the deduction include:

A) rent or property expense that would be allowed in the AABD MAG standard if the individual was at home; and

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Section 120.61(f)(2) (continued)

- B) utility expenses that would be allowed in the AABD MAG standard if the individual was at home.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Related Program Provisions

- 2) Code Citation: 89 Ill. Adm. Code 117

- 3) Section Number: 117.15
Proposed Action: New Section

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par.12-13) [305 ILCS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments specify that when financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate, the financial aid will be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question. This rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 2370.

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Proposed Action
1040.20 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b) formerly Ill. Rev. Stat. 1989, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-100 et seq. formerly Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-100 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking outlines what offenses are considered moving violations, serious traffic offenses for Commercial Driver's License purposes, and contains descriptions of offenses which are reported on line by the Commercial Driver's License Information Service (CDLIS). The traffic offense table has also been updated to reflect recent legislative changes to the Illinois Vehicle Code.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part? Yes.

Section	Proposed Action	Illinois Register Citation
1040.101	Amendment	()

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

SECRETARY OF STATE

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Robert J. Watkins
 Assistant Counsel to the Secretary
 2701 S. Dirksen Parkway
 Springfield, IL 62723
 217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

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TITLE 92: TRANSPORTATION
 CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section

- 1040.10 Court to Forward Licenses and Reports of Convictions
 1040.20 Illinois ~~Traffic~~ Offense Table
 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
 1040.30 3 or More Traffic Offenses Within 12 Months
 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation
 1040.32 Suspension or Revocation of Licenses or Permits Used Fraudulently
 1040.35 Commission of Offense Requiring Mandatory Revocation upon Conviction
 1040.38 Commission of a Traffic Offense in Another State
 1040.40 Repeated Conviction or Collisions
 1040.41 Suspension of Licenses for Curfew Violations
 1040.42 Fleeing and Eluding
 1040.43 Illegal Transportation
 1040.46 Fatal Accident and Personal Injury Suspensions
 1040.48 Vehicle Emission Suspensions
 1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver
 1040.55 Suspension or Revocation for Driver's License Classification Violations
 1040.60 Release of Information Regarding a Disposition of Court Supervision
 1040.65 Offenses Occurring on Military Bases
 1040.66 Invalidation of a Restricted Driving Permit
 1040.70 National Driver Register
 1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
 1040.100 Rescissions
 1040.101 Reinstatement Fees

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-201 et seq. and 6-700 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective

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driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out herein).

§4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, Illinois Revised Statutes (625 ILCS 5/6-206(a)(2) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-206(a)(2)), as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.

- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

b) Illinois Vehicle Code, Criminal Code, and Illinois Food/ Drug and Cosmetic Act The Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act.

The following violations of the Illinois Vehicle Code, Criminal Code, and Illinois Food/ Drug and Cosmetic Act The Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act will not be assigned points but will be entered on the record as type action -93- bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-102	41012000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor (Illinois Vehicle Title

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-103	4103000	4 103 00	and Registration Law of the Illinois Vehicle Code (625 ILCS 5/4-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 4-100 et seq.)
4-103.1	4103100	4 103 01	Motor Vehicle Anti-Theft Law, felony (Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/4-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 4-100 et seq.))
6-101	6101000	# 101 00	Motor Vehicle Anti-Theft Law, conspiracy (Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/4-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 4-100 et seq.))
6-104(a)	6104001	# 104 01	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	6104002	# 104 02	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	6104003	# 104 03	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	6104004	# 104 04	Violation of school bus driver permits (a serious traffic violation

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION
*****	*****	*****	*****	*****	*****
if committed in a commercial motor vehicle)			Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle		
6-104(e)	#104005	# 104 05 Violation of religious bus driver #104005 restriction (a serious traffic violation if committed in a commercial motor vehicle)	6-205(a)5	6 205 A5	6 205 A5
6-104(f)	#104006	# 104 06 Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)	6-205(b)1	6 205 B1	6 205 B1
6-105	#105000	6 105 00 Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)			Notice provided for in Section 2-9 1-8 of the Juvenile Court Act, (705 ILCS 405/1 through 405/9 formerly par.701-98) that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-110(a)	#110000	6 110 00 Violation of curfew law - under age of 17 ("An Act relating to a curfew for certain children" (725 ILCS 555/1 and 555/2 formerly Ill. Rev. Stat. 1991, ch. 23, pars. 2371 and 2372)	6-205(b)2	6 205 B2	6 205 B2
6-113(d)	#113400	# 113 D0 Violation of restriction on special license of special restricted license of permit	6-205(b)3	6 205 B3	Notice of conviction of such offense for the commission of any of the following sex offenses: rape, indecent liberties with a child, committing to the delinquency of a child, indecent solicitation of a child, juvenile pimping, soliciting for a juvenile prostitute, and the manufacture, sale, or delivery of controlled substances of ingredients used for illegal drug use
6-113(e)	#113501	# 113 E1 Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)	6-205(b)4	6 205 B4	Notice of conviction of a driver of a sex offense
6-113(e)	#113502	# 113 E2 Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)			When any other law of this State requires either the revocation or suspension of such license or permit
6-205(a)3	#205103	# 205 A3 Any felony under the laws of any state or federal government in the commission of which a vehicle was used	6-210(1)	# 210 01	Driving during the period of suspension/revocation
			6-210(2)	# 210 02	Driving during the period of revocation/suspension

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301(1)	#301001	# 301 01	To display or cause of permit to be displayed or have in his possession any cancelled, revoked, or suspended/fictitious/ or fraudulently altered license or permit
6-301(2)	#301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	#301003	# 301 03	To display or represent as his own any license or permit not issued to him another
6-301(4)	#301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled
6-301(5)	#301005	# 301 05	To permit allow any unlawful use of a license or permit issued to him
6-301(6)	#301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301(7)	#301007	# 301 07	To do any act forbidden of fail to perform any act required under this Act which such violation is declared to be a felony by this Act of any other law of this State
6-301(8)	#301008	# 301 08	Possession of sale of any blank license or permit
6-301(9)	#301009	# 301 09	To display or represent any document which pertains to be a driver's license or permit when such document is not a driver's license or permit

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301.1	#301100	# 301 00	To manufacture/ duplicate of sell any document which pertains to be a driver's license or permit issued by this State of any other licensing jurisdiction
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-302	6302000	# 302 00	Present false information in an application for driver's license/permit
6-302(a)1	302101	# 302101	Accept false information/ID in an application for driver's license/permit
6-302(a)2	302102	# 302102	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-303(d)	#303400	# 303 D0	Second or subsequent conviction of driving during the revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
8-101	008000	8000	Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire
11-204	#020400	# 0204 00	Fleeing or attempting to elude a police officer
11-204.1	#020401	# 0204 01	Aggravated fleeing or eluding a police officer
11-401	#040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	#040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(a)	#040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	#040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	#050111	# 0501 A1	Driving while alcohol concentration is .10 or more

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-501(a)2	#050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	#050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs
11-501(a)4	#050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs
11-501(d)1	#050140	# 0501 D0	Driving while under the influence of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Par. 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Par. 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Paragraph (a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)1	#050150	# 0501 D0	Driving while under the influence of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-504	#050400	# 0504 00	Drag racing
12-215(f)1	#221500	# 2215 00	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (625 ILCS 5/12-215 formerly Ill.Rev. Stat. 1991, ch. 95 1/2, par. 12-215) without lawful authority to stop
12-215(g)1	221507	# 2215 07	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (625 ILCS 5/12-215 formerly Ill.Rev. Stat. 1991, ch. 95 1/2, par. 12-215) without lawful authority to stop
CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
9-3	0009003	9 03	Intentional homicide resulting from operation of a motor vehicle
11-15.1	0011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	0011191	11 191	Conviction of juvenile pimping
12-5	0012005	12 05	Conviction of reckless conduct
12-13	0012013	12 13	Conviction of criminal sexual assault
12-14	0012014	12 14	Conviction of aggravated criminal sexual assault
12-15	0012015	12 15	Conviction of criminal sexual abuse

which results in death or bodily harm of the person or the driver of the vehicle

Drag racing

Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (625 ILCS 5/12-215 formerly Ill.Rev. Stat. 1991, ch. 95 1/2, par. 12-215) without lawful authority to stop

Intentional homicide resulting from operation of a motor vehicle

Conviction of soliciting for a juvenile prostitute

Conviction of juvenile pimping

Conviction of reckless conduct

Conviction of criminal sexual assault

Conviction of aggravated criminal sexual assault

Conviction of criminal sexual abuse

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CRIMINAL CODE	EDPM OFFENSE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
12-16	0012016	12 16	Conviction of aggravated criminal sexual abuse
21-2	0021002	21 02	Criminal trespass to motor vehicles
22-51	0022051	22 51	Violation of the Hypodermic Syringes and Needles Act (720 ILCS 635/2 formerly Ill. Rev. Stat. 1991, ch. 56-1/2, par. 22-51) concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	0241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	0241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	0241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	0241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm

THE LIQUOR CONTROL ACT OF 1934	EDPM OFFENSE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

43-131(a) 431311 43 131A

Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934

ILLINOIS FOOD/ DRUG AND COSMETIC ACT	EDPM OFFENSE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

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CANNABIS CONTROL ACT	EDPM OFFENSE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
704(a)	070401	704 01	Conviction for violation of 704(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of 704(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but not more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of 704(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of 704(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of 704(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis

705 000705 705 00 Violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of cannabis

707 0000707 707 00 Violation of the Illinois Controlled Substances Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

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CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
708	000708	708 00	Violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	0140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

1401(b)	0140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
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1401(c)	0140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
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1401(d)	0140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
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1401(e)	0140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(f)	0140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

1401(g)	0140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
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1402(a)1	014201	1402 01	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
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1402(a)2	014202	1402 02	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
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1402(a)3	014203	1402 03	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
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1402(a)4	014204	1402 04	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
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1402(a)5	014205	1402 05	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
<u>1402(a)6</u>	<u>014206</u>	<u>1402 06</u>	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
<u>1402(a)7</u>	<u>014207</u>	<u>1402 07</u>	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
<u>1402(a)8</u>	<u>014208</u>	<u>1402 08</u>	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
<u>1402(a)9</u>	<u>014209</u>	<u>1402 09</u>	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methqualone or any of the salts, isomers and salts of isomers of methqualone
<u>1402(a)10</u>	<u>014210</u>	<u>1402 10</u>	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
<u>1402(a)11</u>	<u>014211</u>	<u>1402 11</u>	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
<u>1402(b)</u>	<u>014220</u>	<u>1402 20</u>	classified as a narcotic drug in Schedule I or II which is not otherwise included in this sub-section Conviction for violation of 1402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance
<u>1407</u>	<u>0014070</u>	<u>1407 00</u>	Adult delivers controlled or counterfeit substances to minor
<u>1407.1</u>	<u>0014701</u>	<u>1407 01</u>	Adult uses minor to deliver controlled/counterfeit substances
<u>2103</u>	<u>0021003</u>	<u>21 03</u>	Violation of the Drug Paraphernalia Control Act (720 ILCS 600/3 formerly Ill. Rev. Stat. 1991, ch. 56 1/2, par. 2103) concerning the sale of instruments used for illegal drug use or abuse
c) Illinois Vehicle Code			
The following point\$ assigned violations will be entered on the driving record as type action -97- bond forfeiture or type action -99- conviction			
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	POINTS *****
<u>6-501</u>	<u>501000</u>	<u>6 501 00</u>	<u>50</u> Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)
<u>6-507(A)</u>	<u>507100</u>	<u>6 507 A0</u>	<u>50</u> Driving a commercial motor

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			vehicle without a valid driver's license (a serious traffic violation if committed in a commercial motor vehicle)					after collision with unattended vehicle or other property	
11-203	#020300	# 0203 00	Failure to obey lawful order of authorized officer	10	11-502(a)	#050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-305	#030500	# 0305 00	Disregarding official traffic control device	20	11-503	#050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-306	#030600	# 0306 00	Disregarding traffic control light	20	11-505	050500	# 0505 00	Squealing or screeching tires	10
11-308	#030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20	11-601(a)	#060100	# 0601 00	Speeding too fast for conditions (a serious traffic violation if committed in a commercial motor vehicle)	10
11-309	#030900	# 0309 00	Disregarding flashing traffic signal	20	11-601(b)	#060101	# 0601 01	1-10 MPH above limit	5
11-402(a)	#040201	# 0402 01	Collision involving damage to vehicles only - failure to stop, exchange information and make report	25	11-601(b)	#060103	# 0601 03	11-15 14 MPH above limit	15
11-403	#040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25	11-601(b)	#060105	# 0601 05	15 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-403	#040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision-personal injury involved	50	11-601(b)	#060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-404	#040400	# 0404 00	Failure to notify owner	15	11-605	#060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-606(b)	#060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	#060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	#070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	#070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	#070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	#070302	# 0703 02	Failure to yield right- of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	#070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	#070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	#070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	#070600	# 0706 00	Driving on left side of	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	#070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	#070704	# 0707 04	No passing in unincorpo- rated areas where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	#070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(a)	#070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	#070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	#070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	#070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-709.1	070911	# 0709 11	a commercial motor vehicle) <u>Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)</u>	20	11-901.01	#090101	# 0901 01	Failure to yield right-of-way at T intersection	15
11-710	#071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25	11-902	#090200	# 0902 00	Improper left turn with oncoming traffic	25
11-711	#071101	# 0711 01	Improper entry or exit from controlled access roadway	10	11-903	#090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-711(a)	#071101	# 0711 01	Improper entry or exit from controlled access roadway	10	11-904	#090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-711(b)	#071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10	11-905	#090500	# 0905 00	Improper merging into traffic	20
11-801	#080100	# 0801 00	Improper turn at intersection	10	11-906	#090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-802	#080200	# 0802 00	Improper U-turn	20	11-907	#090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-803	#080300	# 0803 00	Unsafe movement of vehicle from parked position	15	11-908(a)	#090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-804	#080400	# 0804 00	Failure to give stop or turn signal	15	11-908(b)	#090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-805	#080500	# 0805 00	Improper stop or turn signal	15	11-908(c)	#090803	# 0908 03	Failure to stop at highway construction sign	15
11-806	#080600	# 0806 00	Improper arm signal	15	11-1002(a)	#100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-901	#090100	# 0901 00	Failure to yield right-of-way at intersection	15					

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****
DESCRIPTION OF OFFENSE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	ABSTRACT DESCRIPTION CODE *****
POINTS *****		POINTS *****	
11-1002(d)	#100204	11-1205	#120500
Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)		Failure to yield right-of-way upon emerging from alley or driveway	
20		20	
11-1002(e)	#100205	11-1402(a)	#140201
Failure to yield right-of-way to a pedestrian at an intersection		Limitations on backing	
20		10	
11-1003.1	#100301	11-1402(b)	#140202
Failure to exercise due care for pedestrian or bicyclist		Limitations on backing upon controlled access highway	
10		20	
11-1004	#100400	11-1403	#140300
Failure to yield right-of-way to a blind or hearing impaired pedestrian		Motorcycle operating violation or passenger equipment violation	
20		5	
11-1008	#100800	11-1403.1	#140301
Failure to yield to a pedestrian on a sidewalk		Motorized pedalcycle operating violation	
20		5	
11-1101	#110100	11-1403.2	#140302
Improper passing of street car on the left		Operation of motorcycle on one wheel - reckless driving	
10		55	
11-1102	#110200	11-1404	#140400
Improper passing on the right or failure to stop for a street car		Motorcycle glasses, goggles or shield violation	
20		5	
11-1103	#110300	11-1405	#140500
Obstructing street car traffic		Motorcycle equipment violation	
5		5	
11-1104	#110400	11-1412.1	#141201
Driving through safety zone		Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	
20		20	
11-1201	#120100	11-1414(a)	#141401
Failure to stop for approaching railroad train or signal		Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	
20		25	
11-1202	#120200	11-1418	#141800
Failure to stop at railroad grade crossing		Illegal operation of farm tractor upon highway	
20		10	
11-1203	#120300	11-1505	#150500
Improper movement of heavy equipment across railroad grade crossing		Improper position of motorized pedalcycles on roadways	
5		10	
11-1204	#120400		
Disregarding stop or yield			
20			

NOTICE OF PROPOSED AMENDMENT(S)				NOTICE OF PROPOSED AMENDMENT(S)			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	POINTS	CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	POINTS
*****	*****	*****	*****	*****	*****	*****	*****
11-1505.1	#150501	# 1505 01 Riding motorized pedalcycle more than two abreast on roadways	10	7-201	7201000	7 201 00 Disregarding official traffic control device	20
11-1507.1	#150701	# 1507 01 Violation of lamps on motorized pedalcycles	10	7-202	7202000	7 202 00 Disregarding traffic control light	20
11-1510(b)	151020	# 1510 B0 Improper left turn on pedalcycle	10	7-203	7203000	7 203 00 Disregarding flashing traffic signal	20
12-201(b)	#220102	# 2201 02 Head, tail or side light violation	10	7-204	7204000	7 204 00 Disregarding lane control light	20
12-208(a)	#220801	# 2208 01 No stop lights	5	7-205	7205000	7 205 00 Avoiding official traffic control device	20
12-208(b)	#220802	# 2208 02 No turn signal lights	5	7-210	7210000	7 210 00 Driving motor-driven cycle on access roadway	10
12-208(c)	#220803	# 2208 03 No turn signal lights on trailers or semi-trailers	5	7-211	7211000	7 211 00 Improper traffic lane usage	20
12-301	#230100	# 2301 00 Defective brakes	20	7-212	7212000	7 212 00 Speeding too fast for conditions	10
15-804	#280400	# 2804 00 School bus identification and warning light violation	5	7-212.01	7212001	7 212 01 1 - 10 MPH above limit	5
15-106	#510600	# 5106 00 Failure to fasten or secure any protruding component of a vehicle	15	7-212.03	7212003	7 212 03 11 - 15 MPH above limit	15
15-109	#510900	# 5109 00 Spilling or unsafe load	15	7-212.05	7212005	7 212 05 15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
15-110	#511000	# 5110 00 Improper towing of a vehicle	10	7-212.07	7212007	7 212 07 Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
15-114	#511400	# 5114 00 Improper pushing of another vehicle	10				
d)	City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago			7-213	7213000	7 213 00 Driving below minimum speed limit	5
The following point assigned violations will be entered on the driving record as type action - 97 - bond forfeiture or type action - 99 - conviction				7-214	7214000	7 214 00 Improper turn at intersection	10

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NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-216	7216000	7 216 00	Improper U-turn	10
7-217	7217000	7 217 00	Improper U-turn in I-loop district	10
7-218	7218000	7 218 00	Disobeying no-turn sign	10
7-219	7219000	7 219 00	Driving wrong way on one-way street	5
7-220	7220000	7 220 00	Driving wrong way on one-way street - restrictive period	5
7-221	7221000	7 221 00	Disregarding stop sign at intersection	20
7-222	7222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	7223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	7224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	7225000	7 225 00	Failure to observe yield right-of-way	20
7-226	7226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	7227000	7 227 00	Failure to observe bridge signal	20
7-228	7228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	7229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	7230000	7 230 00	Failure to yield right-of-way at intersection	15

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NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-231	7231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	7232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	7233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	7236001	7 236 01	Improper passing on the left	20
7-236(b)	7236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	7237000	7 237 00	Improper passing on the right	20
7-238	7238000	7 238 00	Improper passing on the left	20
7-239	7239000	7 239 00	Failure to drive on right side of roadway	5
7-240	7240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	7241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	7244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	7247000	7 247 00	Driving in area designated as play street	20
7-248	7248000	7 248 00	Driving on sidewalk or parkway	20
7-249	7249000	7 249 00	Driving through safety zone	20
7-250	7250000	7 250 00	Driving in bus lane	20
7-251	7251000	7 251 00	Driving on left side of roadway where prohibited	20

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NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-252	7252000	7 252 00	Improper backing	10
7-253	7253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	7255000	7 255 00	Negligent driving	10
7-256	7256000	7 256 00	Following too closely	25
7-257	7257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	7260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	7261000	7 261 00	Failure to give stop or turn signal	15
7-262	7262000	7 262 00	Improper stop or turn signal	15
7-266	7266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	7270000	7 270 00	Failure to drive within bus lane - bus drivers	20
7-271	7271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	7278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	7342000	7 342 00	Defective brakes	20
7-346	7346000	7 346 00	Head, tail, or side light violation	10
7-359	7359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	7369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25

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NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-402(c)	7402003	7 402 03	Restricted turn signs - prohibited right or left turn	10
e) Illinois Vehicle Code				
The following violations will be entered on the driving record as type action -95- bond forfeiture or type action -96- conviction with no point value				
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	
11-407(a)	#040710	# 0407 A0	Failure of driver to give notice of accident	
11-407(b)	#040720	# 0407 B0	Failure of passenger to give notice of accident	
11-1412	#141200	# 1412 00	Crossing fire hose	
11-1420	#142000	# 1420 00	Funeral procession violation	
12-201(c)	#220103	# 2201 03	Registration light violation	
12-203	#220300	# 2203 00	Lamps on parked vehicle	
12-207	#220700	# 2207 00	Spot light or auxiliary light violation	
12-209	#220900	# 2209 00	Other light violation	
12-211(a)	#221101	# 2211 01	Headlight violation	
12-211(b)	#221102	# 2211 02	Front light violation	
12-212	#221200	# 2212 00	Front red or flashing light violation	
12-214	#221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle	

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NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
12-603.1	#260301	# 2603 01	Violation of the seat belt act
12-712(a)	271201	# 2712 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-712(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	#001104	# 01104 00	Violation of the Child Passenger Protection Act, (625 ILCS 5/11-1104 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1104) child under age 4

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1104(a)	#101104	# 01104 10	Violation of the Child Passenger Protection Act, (625 ILCS 5/11-1104(a) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1104(a)) child age 4 but under age 6

f) City of Chicago Traffic Regulations - Chapter 27 of The Municipal Code
of Chicago

The following violations will be entered on the driving record as type
action -95- bond forfeiture or type action -96- conviction with no
point value:

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	7235000	7 235 00	Driving through a Funeral procession
7-246	7246000	7 246 00	Crossing fire hose
7-274	7274000	7 274 00	Driving in a Funeral procession
7-342.1	7342001	7 342 01	Violation of seat belt act

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NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-347	7347000	7 347 00	Spot light violation
7-348	7348000	7 348 00	Other light violation
7-349	7349000	7 349 00	Front red or flashing light

g) Case Review

1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, of revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.10(a).

2) Driver control action shall be entered upon the driver's record by classification (type action).

A) Classification for driver control actions:

Type action 01	Mandatory Revocation
Type action 02	Discretionary Revocation
Type action 03	Discretionary Suspension
Type action 04	Safety Responsibility Suspension
Type action 05	Financial Responsibility Suspension
Type action 06	Unsatisfisf Judgment Suspension
Type action 07	Mandatory Suspension
Type action 08	Cancellation of License
Type action 09	Mandatory Suspension
Type action 17	Statutory Summary Suspension
Type action 18	Vehicle Emissions Suspension
Type action DQ	Discretionary/Mandatory Disqualification
Type action OS	Out of Service Law Enforcement History Item

B) Description of driver control action:

The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation - Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	6205101	6 205 A1	Manslaughter of a Reckless homicide
6-205(a)2	6205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	6205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	6205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury - violation of Section 11-401 of The Illinois Vehicle Code
6-205(a)5	6205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	6205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	6205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	6205108	6 205 A8	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code
6-205(a)9	6205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire, Chapter 8 or for rent, Chapter 9
6-205(a)10	6205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	6205111	6 205 A11	Conviction of aggravated fleeing or eluding a police officer
6-205(a)12	205112	6 205 A12	Violation of Sec. 6-507(b) relating to the unlawful operation of a commercial motor vehicle

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(b)1	6205201	6 205 B1	Notice provided for in Section 2-19 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(b)42	62052042	6 205 B42	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(c)	6205300	6 205 C0	Revocation of a restricted driving permit
6-205(d)	6205400	6 205 D0	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof
i) Discretionary Revocations and Suspensions - Type Action 02 or 03			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-113(d)	6113400	6 205113 D0	Violation of a restriction on a license or permit
6-206(a)1	6206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	6206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	6206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	6206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	6206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)6	6206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	6206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	6206108	6 206 A8	Ineligible for license or permit under Section 6-103
6-206(a)9	6206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	6206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	6206111	6 206 A11	Driving while license or permit has been revoked or §4 §4
6-206(a)12	6206112	6 206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	6206113	6 206 A13	Violation of Curfew Act
6-206(a)14	6206114	6 206 A14	Unlawful use of license or permit under Section 6-301 or 6-301.1 or 6-301.2
6-206(a)15	6206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 (725 ILCS 5/100-1 et seq. formerly 111 Rev. Stat. 1991, ch. 38, pars. 100-1 et seq.)

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)16	6206116	6 206 A16	Violation of Section 11-204, fleeing from a police officer
6-206(a)17	6206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	6206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	6206119	6 206 A19	Has violated Section 6-101 - driving without a valid license
6-206(a)20	6206120	6 206 A20	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-206(a)21	6206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	6206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a) (3), (4), (7), or (9) of the Criminal Code of 1961 (111 Rev. Stat. 1989, ch. 28, par. 24-1(a)(3), (4), (7) or (9))
6-206(a)23	6206123	6 206 A23	Has been convicted of violating Paragraph (a) of Section 11-502 for a second or subsequent time within one year
6-206(a)24	6206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206

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IVC VIOLATION CODE	EDPM OFFENSE CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****
6-206(Cc)3	6206303	6206303	Conviction of an offense while holding a Restricted Driving Permit	Conviction of an offense while holding a Restricted Driving Permit
Discretionary or Mandatory or 18			Suspension - Type Action 03, 07, 09, 17,	
IVC VIOLATION CODE	EDPM OFFENSE CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****
6-205(c)	6205300	6205300	Suspension of a Restricted Driving Permit	Suspension of a Restricted Driving Permit
6-303(b)	6303200	6303200	Driving while license or permit has been revoked or suspended	Driving while license or permit has been revoked or suspended
6-306.1	6306001	6306001	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	6306005	6306005	Failure to pay fines-parking violations	Failure to pay fines-parking violations
111-406(e)	1040650	1040650	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
111-501.1	1050101	1050101	Statutory Summary Suspension	Statutory Summary Suspension
111-1414(f)	1141460	1141460	Failure to stop for school bus when loading or discharging passengers	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	1311122	13A 112 B	Vehicle Emissions suspension	Vehicle Emissions suspension

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NOTICE OF PROPOSED AMENDMENT(S)

k) Cancellation - Type Action 08			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	
*****	*****	*****	
6-108(1)	6108001	Request for withdrawal of consent	
6-108(2)	6108002	Death of person giving consent	
6-108(3)	6108003	Person giving consent no longer has legal custody	
6-113(d)	6113400	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction	
6-201(a)1	6201101	Not entitled to the issuance of the license or permit	
6-201(a)2	6201102	Failed to give the required or correct information	
6-201(a)3	6201103	Failed to pay fees or taxes due	
6-201(a)4	6201104	Committed any fraud in the making of such application	
6-201(a)5	6201105	Ineligible therefore under the provisions of Section 6-103	
6-201(a)6	6201106	Has refused or neglected to submit to examination or re-examination as required under this Code	
6-201(a)(7)	201107	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle	
6-205(c)	6205300	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205	
6-206(c)3	6206303	Cancellation of a permit subsequent	

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l) Discretionary/Mandatory Disqualification - Type Action - DQ			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	
*****	*****	*****	
		to a discretionary revocation or suspension pursuant to Section 6-206	
6-514(a)1	514101	Refusal to submit/failure to complete chemical test	
6-514(a)2	514102	Operating commercial motor vehicle/alcohol concentration .04 or more	
6-514(a)3I	514131	Driving under influence of alcohol/other drug(s)	
6-514(a)3II	514132	Leaving scene of accident while operating commercial motor vehicle	
6-514(a)3III	514133	Driving commercial motor vehicle while committing any felony	
6-514(b)	514200	Second conviction of violation Sec. 6-514(a)	
6-514(c)	514300	Conviction of felony drug offense(s) using commercial motor vehicle	
6-514(e)	514500	Conviction of 2 or more serious traffic violations within 3 years	

m) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-515	515000	6 515	24 Hour out-of-service order

n) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
DE 0	Defective equipment
DS 0	Disability
DS 1	Inability to pass one or more tests required for driver's license
EM 0	Equipment misuse
EM 1	Leaving a vehicle unattended with engine running
ER 0	Equipment regulations
ER 2	Use of equipment prohibited by law
FA 2	Violation of a motor vehicle law resulting in one's own death
FA 3	Suicide by motor vehicle
FE 0	Felony
FR 0	Financial responsibility
FR 1	Unsatisfied judgment
FR 2	Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law
FR 3	Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws

NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
FR 4	Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law
FR 5	Failure to maintain required compulsory liability insurance
LI 0	Littering
MR 0	Misrepresentation contribution violation
MR 5	Obtaining or applying for a duplicate driver's license during withdrawal
MR 6	Misrepresentation of identity or other facts to avoid arrest or prosecution
MS 0	Miscellaneous
MS 5	Sex offense in vehicle
RR 0	Required reports, appearances, or documents
RR 1	Failure to file report of accident as required
RR 2	Failure to appear for hearing or trial
RR 3	Failure to surrender driver's license, registration, or title documents as required
RT 0	Registration and titling
RT 3	Misrepresentation of identity or other facts to obtain a vehicle registration or title
RT 4	Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)
RV 1	Recurrence of violations requiring mandatory action of the licensing authority as specified by law
RV 2	Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system

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NOTICE OF PROPOSED AMENDMENT(S)

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

RV 3 Accumulation of violations resulting in discretionary action
by the license authority

SC 6 Obscuring, tampering with, or illegally displaying traffic
control devices, warning, or instructions

VR 0 Violation of restriction licensing requirements

VR 6 Allowing an unlicensed operator to drive

o) The following violations will not be assigned points but will be
entered on the driving record as type action -82- conviction immediate
action:

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

C 11 Driving a commercial motor vehicle while the person's
alcohol concentration is 0.04 percent or more

C 13 Refusal to undergo such testing as is required by any State
or jurisdiction

DI 0 Driving while intoxicated violation pertaining to
intoxication

DI 1 Driving while under the intoxicating influence of alcohol,
narcotics, or pathogenic drugs

DI 2 Driving while under the intoxicating influence of medication
or other substances not intended to produce intoxication as
a result of normal use

DI 3 Refusal to submit to a test for alcohol after arrest for
driving while intoxicated or suspicion of intoxication

DI 6 Impaired

EM 7 Operating or using a vehicle without consent of the owner

FE 1 Using a motor vehicle as the device for committing a felony

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

FE 2 Using a motor vehicle in connection with a felony

HR 4 Evading arrest by fleeing the scene of citation or roadblock

HR 5 Evading arrest by extinguishing lights (when lights are
required)

MR 1 Misrepresentation of identity or other facts to obtain a
driver's license

MR 2 Displaying a driver's license which is invalid because of
alteration, counterfeiting, or withdrawal (suspension,
revocation, etc.)

MR 3 Displaying the driver's license of another person

MR 4 Loaning a driver's license

SP 1 Contest racing on public traffic way

VR 1 Driving while revoked

VR 2 Driving while suspended

VR 4 Operating contrary to conditions specified on driver's
license

VR 5 Operating without being licensed or without license required
for type of vehicle operated

p) A TA 68 or TA 82 for the following offenses, additional information
will be required from the reporting state to determine if the
violation if committed in Illinois would result in a immediate action
points assigned or, non-points assigned. The TA 68 or TA 82 will be
converted to the applicable offenses of Subsections b, c, or l of this
Section, respectively.

q) The following violations will not be assigned points but will be
entered on the driving record as type action -83- conviction immediate
action:

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<u>DHR</u> <u>CONVICTION</u> <u>CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****
<u>C 12</u>	Driving under the influence of alcohol, as prescribed by State law, when committed in a commercial vehicle (disqualification if committed in a commercial motor vehicle)
<u>C 14</u>	Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)
<u>C 16</u>	A felony involving the use of a commercial motor vehicle, other than a felony described in C 17 (disqualification if committed in a commercial motor vehicle)
<u>C 17</u>	The use of a commercial vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)
r) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:	

<u>DHR</u> <u>CONVICTION</u> <u>CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****
<u>AC 0</u>	Accident
<u>AC 2</u>	Violation of a motor vehicle law resulting in property damage
<u>AC 3</u>	Violation of motor vehicle law not resulting in damage to persons or property but considered an accident
<u>AC 4</u>	Involvement in an accident considered no indication of fault
<u>DE 1</u>	Operating with defective headlights
<u>DE 3</u>	Operating with defective muffler or exhaust system

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<u>DHR</u> <u>CONVICTION</u> <u>CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****
<u>DE 4</u>	Operating with defective tires
<u>DE 5</u>	Operating with defective equipment resulting in inability to control vehicle movement properly
<u>DI 5</u>	Administrative per se
<u>DS 2</u>	Operating a motor vehicle improperly because of physical or mental disability
<u>DS 3</u>	Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable drowsiness)
<u>EM 2</u>	Overloading vehicle with passengers or cargo
<u>EM 4</u>	Creating unlawful noise with vehicle or accessory
<u>EM 5</u>	Failure to dim lights as required
<u>EM 6</u>	Using a vehicle in connection with illegal activity other than a felony

<u>ER 1</u>	Operating without equipment required by law
<u>FA 0</u>	Fatality
<u>FE 3</u>	Using a motor vehicle to aid and abet a felon
<u>FO 0</u>	Following improperly
<u>FO 3</u>	Following an emergency vehicle unlawfully
<u>HR 3</u>	Leaving the scene of an accident after providing aid or identity but before arrival of police
<u>HV 0</u>	Conviction of multiple serious offenses resulting in a long term removal of the license
<u>IL 0</u>	Improper lane operation where prohibited
<u>IL 3</u>	Ran off road
<u>IL 4</u>	Driving on road shoulder, in ditch, or on sidewalk

NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
LI 1	Depositing injurious or harmful substance on traffic way
LI 2	Throwing from vehicle any burning or smoldering substance
LI 3	Littering from a motor vehicle
MS 3	Opening vehicle closure into moving traffic or while vehicle is in motion
MS 4	Crossing fire hose with vehicle
MS 6	Unsafe operation of vehicle
RK 0	Reckless, careless, or negligent driving
RK 2	Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property
RK 3	Transporting hazardous substance without required safety devices or precautions
RK 4	Coasting or operating with gears disengaged
RR 4	Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required
RR 5	Operating a motor vehicle with registration plates missing, defaced or obscured
RT 1	Operating a vehicle without registering it as required
RT 2	Operating with expired registration
RV 0	Repeated violations
RW 0	Right-of-way
RW 5	Failure to yield to school bus as required
SC 3	Passing through or around barrier positioned to prohibit or channel traffic
SC 4	Failure to observe warnings or instructions on vehicle properly displaying them

NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
SI 3	Failure to cancel directional signals after executing maneuver	
SP 5	Operating at erratic or suddenly changing speeds	
TU 0	Turns	
TU 1	Making right turn from left turn lane	
TU 2	Making left turn from right turn lane	
VR 3	Driving after license denied	
WW 0	Wrong way, side or direction	
s)	The following point assigned violations will be entered on the driving record as type action -87- conviction:	
DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
AC 1	Violation of a motor vehicle law resulting in bodily injury	25
C 15	Leaving the scene of an accident involving a commercial motor vehicle	25
C 18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV	20
C 19	Driving a CMV in willful or wanton disregard for the safety of persons or property	55
C 20	Reckless driving, as defined by State or local law or regulation, when operating a CMV	55
C 21	Improper or erratic traffic lane changes when operating a CMV	20

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NOTICE OF PROPOSED AMENDMENT(S)

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

C 22	Following the vehicle ahead too closely when operating a CMV	25
C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV	55
DE 2	Operating with defective brakes	20
DI 4	Illegal possession of alcohol or drugs in motor vehicle	25
EM 3	Towing or pushing vehicle improperly	10
FA 1	Violation of a motor vehicle law resulting in the death of another person	25
FO 1	Following too closely	25
FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR 0	Hit and run; leaving the scene; evading arrest	25
HR 1	Failure to stop and render aid after involvement in an accident resulting in bodily injury	50
HR 2	Failure to stop and reveal identity after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle)	25
IL 1	Improper lane changing	20
IL 2	Failure to keep in proper lane	20
IL 5	Making improper entrance to or exit from traffic way	10
MS 1	Starting improperly from a parked position	15
MS 2	Improper backing	10
PA 0	Passing	10

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NOTICE OF PROPOSED AMENDMENT(S)

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA 2	Passing on wrong side	20
PA 3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility	20
PA 4	Passing school bus taking on or discharging passengers or displaying warning not to pass	25
PA 5	Failure to signal intention to pass	15
PA 6	Failure to yield to overtaking vehicle	20
RK 1	Heedless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property	55
RW 1	Failure to yield right-of-way to emergency or other authorized vehicle	15
RW 2	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way	20
RW 3	Failure to yield right-of-way in a manner required at unsigned intersection	15
RW 4	Failure to yield right-of-way to pedestrian, animal rider or animal-drawn vehicle as required	20
SC 0	Signs and control devices	20
SC 1	Failure to follow instructions of a police officer	10
SC 2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	20

NOTICE OF PROPOSED AMENDMENT(S)

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

SC 5	Failure to observe safety zone	20
SI 0	Signaling intentions	15
SI 1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI 2	Giving wrong signal	15
SP 0	Speeding	15
SP 2	Prima Facie speed violation for driving too fast for conditions	10
SP 3	Speed in excess of posted maximum	5
SP 4	Speed less than posted minimum	5
TU 3	Making improper turn	15
WW 1	Driving wrong way on one-way street	5
WW 2	Driving on wrong side of road	20
WW 3	Driving in wrong direction at rotary intersection	5

t) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:

DHR
WITHDRAWAL
CODE

DESCRIPTION OF WITHDRAWAL

C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any State or jurisdiction
C 51	Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more

NOTICE OF PROPOSED AMENDMENT(S)

DHR
CONVICTION
CODE

DESCRIPTION OF OFFENSE

C 52	Disqualification for driving under the influence of alcohol, as prescribed by State law
C 53	Disqualification for refusal to undergo such testing as is required by any State or jurisdiction
C 54	Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))
C 55	Disqualification for leaving the scene of an accident involving a CMV
C 56	Disqualification for a felony involving the use of a CMV as in C 16
C 61	As in C 51, but involving hazardous materials
C 62	As in C 52, but involving hazardous materials
C 63	As in C 53, but involving hazardous materials
C 64	As in C 54, but involving hazardous materials
C 65	As in C 55, but involving hazardous materials
C 66	As in C 56, but involving hazardous materials
C 70	Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C 17
C 71	Disqualification for 2nd offense for any combination of violations as described in C 11-C 16
C 80	Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents. Disqualification period is 60 days.
C 81	Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents. Disqualification period is 120 days.
C 99	24 Hour Out-of-Service Order

(Source: Amended at 17 Ill. Reg. , effective)

Catherine Allen
Regulations Unit
Illinois Department of Transportation

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This Part does not affect small businesses in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance:
No reporting requirements are required for compliance.
- D) Types of professional skills necessary for compliance: No professional skills are required for compliance with this Part.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 453
SPECIFICATIONS FOR SEAT SAFETY BELTS

Section
453.10
453.20
453.30

Purpose
Application
Incorporation by Reference of 49 CFR 571

AUTHORITY: Implementing and authorized by Section 12-603 of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603) [625 ILCS 5/12-603 (1992)].

SOURCE: Adopted at 17 Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 453.10 Purpose

This Part establishes performance specifications for seat safety belts and for their attachment and installation.

Section 453.20 Application

- a) This Part applies to the front seat safety belts of a first division vehicle with a model year of 1965 or later sold in Illinois. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603(a)) [625 ILCS 5/12-603(a) (1992)]
- b) This Part applies to the front seat safety belts of a first division vehicle which is titled or licensed by the Secretary of State and which has a model year of 1961 or later operated in Illinois. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603(b)) [625 ILCS 5/12-603(b) (1992)]

Section 453.30 Incorporation by Reference of 49 CFR 571

The Federal Motor Vehicle Safety Standards Nos. 209 (Seat Belt Assemblies) and 210 (Seat Belt Assembly Anchorage) are incorporated by reference, as those parts of the federal regulations that were in effect on October 1, 1991. No later amendments to or editions of 49 CFR 571.209 and 571.210 are incorporated.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Lawncare Wash Water and Rinsate Collection
- 2) Code Citation: 8 Ill. Adm. Code 256
- 3) Section Numbers: Adopted Action:
- | | |
|--------|---------|
| 256.10 | Adopted |
| 256.20 | Adopted |
| 256.30 | Adopted |
| 256.40 | Adopted |
| 256.50 | Adopted |
| 256.60 | Adopted |
| 256.70 | Adopted |
| 256.80 | Adopted |
| 256.90 | Adopted |

- 4) Statutory Authority:
Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by
P.A. 87-1033, effective September 11, 1992.

- 5) Effective Date of Rules: February 9, 1993

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this proposed rule contain incorporations by reference?
No

- 8) Date Filed in Agency's Principal Office: February 3, 1993

- 9) Notices of Proposal Published in Illinois Register:
October 2, 1992, 16 Ill. Reg. 14975

- 10) Has JCAR issued a Statement of Objections to these rules?
No

- 11) Differences between proposal and final version:
Language referring to "loading areas" in Section 256.20 was removed. Section 256.20(c) was added to clarify that this Part did not apply to wash water containment areas associated with structural pest control. Section 256.30(e) was eliminated. Language was added to Sections 256.40(a), (b) and (c) regarding underground structures, pits or piping and also sumps or wet wells used for the transfer of rinsates or washwaters. Throughout the proposed rules "wash waters and rinsates" was added where spills were referenced. Section 256.70(d) added a provision for the prevention of the release of pesticide residues on vehicles that had not been cleaned. In Section 256.90(a) and (b) the reference to a "facility" was changed to "wash water containment area".

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:
These rules are being adopted to implement and enforce the requirements established by the Lawncare Products Application and Notice Act. Guidelines are established for wash water and rinsate containment areas and permit classes are identified.
- 16) Information and questions regarding these adopted rules, shall be directed to:
Name: Barbara McGuire
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-7559

The full text of Adopted Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER I: PESTICIDE CONTROL

PART 256

LAWN CARE WASH WATER AND RINSATE COLLECTION

Section

- 256.10 Definitions
- 256.20 Scope and Application
- 256.30 Permits
- 256.40 General Class Permits
- 256.50 Experimental Permits
- 256.60 Special Permits
- 256.70 Wash Water Containment Area Management and Operations
- 256.80 Site Closures and Discontinuation of Operations
- 256.90 Connections to the Water Supply

AUTHORITY: Implementing and authorized by the Illinois Lawn Care Products Application and Notice Act (Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992).

SOURCE: Adopted at 17 Ill. Reg. 2189, effective February 9, 1993.

Section 256.10 Definitions

Definitions for this Part can be located in Section 2 of the Lawn Care Products Application and Notice Act (Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992). The following definitions shall also apply to this Part:

"Act" means the Lawn Care Products Application and Notice Act (Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992).

"Alteration" means changes in structures, processes or activities at a wash water containment area which do not change the efficiency or effectiveness of the containment area.

"Impervious materials" means those substances utilized to construct wash water containment areas which can be so constructed and maintained to provide for a water permeability (hydraulic conductivity) rate not to exceed 1x10⁻⁶ centimeter per second.

"Modification" means changes in structures, processes or activities at a wash water containment area which change the efficiency or effectiveness of the containment area, i.e., changes in capacity.

Section 256.20 Scope and Application

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- a) This Part shall apply to wash water containment areas utilized for the capture of spills or washing or rinsing of pesticide residues from vehicles, application equipment, mixing equipment, floors, or other items used for the storage, handling, preparation for use, transport, or application of pesticides to land areas covered with turf kept closely mown or land area covered with turf and trees or shrubs. This Part shall not apply to the above described wash water containment areas associated with the application of pesticides to:
- 1) trees and shrubs only,
 - 2) the land area utilized for research for agriculture production of turf only,
 - 3) the land area utilized for the commercial production of turf only,
 - 4) the land area located within a public or private right-of-way only, or
 - 5) the land area which is devoted to the production of any agricultural commodity, including but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seed, sod, shrubs and other products of agricultural origin raised for sale or for human or livestock consumption.
- b) This Part shall not apply to wash water containment areas associated with the handling of fertilizers only.
- c) This Part shall not apply to wash water containment areas associated with structural pest control.
- d) Any new wash water containment area shall be in compliance with all of this Part before the commencement of any operational activities or use of pesticides.

Section 256.30 Permits

- a) A lawn care containment permit (either general class, experimental, or special) issued by the Department shall be obtained for each existing and new wash water containment area as defined by the Act. Permit applications shall be submitted on forms provided by the Department. A permit shall be obtained prior to the commencement of any construction necessary to meet the requirements to the Act or these rules. When required by the provisions of the Illinois Professional Engineering Act (Ill. Rev. Stat. 1991, ch. 11, par. 5101 et seq.), all engineering plans and specifications accompanying the application for the wash water containment area shall be prepared by an Illinois Professional Engineer. A permit shall be amended before the commencement of any modification of the wash water containment area. Alterations to the wash water containment area may be done without permit amendment. A facility owner or operator may contact the Department for determinations regarding proposed alterations versus modifications. A permit shall be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.
- b) An application for a permit submitted by a corporation shall be signed

DEPARTMENT OF AGRICULTURE

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by a principal executive officer of at least the level of the vice president, or a duly authorized representative who is responsible for the overall operation of the wash water containment area described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor respectively. In the case of a publicly owned wash water containment area, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.

c) The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. Synthetic materials or liners may be used for wash water and rinseate collection containment structures provided they are compatible with the pesticide(s) being contained and it is installed according to the manufacturer's written directions. The structure shall be repaired and maintained according to the manufacturer's recommendations. These directions and recommendations shall become permanent records to be maintained at the facility site. A written confirmation of compatibility and written estimate of life expectancy from the manufacturer shall also be kept on file at the facility.

d) The Department shall allow an innovative design to satisfy the structural requirements of this Part if the application for a permit is accompanied with a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that of this Part. All engineering costs shall be the responsibility of the person making the request. A permit issued "with condition(s)" means that the facility is deficient in some area in order to meet full compliance with the before stated rules. A permit with condition(s) would be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment. If the Department fails to grant or deny the permit as requested or issue with condition(s) within 90 days from the date of receipt of the application, the applicant may deem the permit granted for a one year period commencing on the 91st day after the application was received. If the application for a permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.

Section 256.40 General Class Permits

There shall be three (3) types of general class permits available for issuance by the Department to a facility owner or operator as defined under subsections (a), (b) and (c) below. In addition to completed application forms, a submittal for a general class permit shall include a location area map, a detailed plot plan of the facility and any additional information the applicant or Department deems necessary to fully describe the project.

a) A General Class A lawncare containment permit shall be available for issuance by the Department for a portable wash water containment area

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

for use with small pesticide application devices with a device capacity of less than or equal to 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.5 times the length and 1.5 times the width of the application device. The design of the wash water containment area shall be such that the contained volume shall be a minimum of 25 gallons of liquid or the volume of the application device, whichever is greater. The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the device. The wash water containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Section 256.70(a) and 256.80(b) of this Part. This provision for the collection and reuse or disposal of spills, wash waters and rinsates, in the case of portable containment structures, does not specifically require the inclusion of a sump. The use of underground structures, pits or piping for storage or transport of rinsates, wash water or recycled liquid is prohibited at a facility wishing to qualify for a General Class A lawncare containment permit. This prohibition shall not include sumps or wet wells which are used for the transfer of rinsates or wash waters provided these structures have a detention time of seventy-two (72) hours or less. Facility owners or operators desiring to construct and operate a wash water containment area adhering to these requirements shall make application to the Department for a General Class A lawncare containment permit.

b) A General Class B lawncare containment permit shall be available for issuance by the Department for a non-portable wash water containment area for use with small pesticide application devices with a device capacity less than or equal to 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.5 times the length and 1.5 times the width of the application device. The design of the wash water containment area shall be such that the contained volume shall be a minimum of 25 gallons of liquid or the volume of the application device, whichever is greater. If the wash water containment area is not protected from contact with precipitation, the containment volume shall be equal to or greater than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The wash water containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation of installation allows. The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. The wash water containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. Collection and reuse or disposal of spills, wash waters and rinsates, in the case of non-portable containment structures,

specifically requires the inclusion of a sump in the structure. The use of underground structures, pits or piping for storage or transport of rinsates, wash water or recycled liquid is prohibited at a facility wishing to qualify for a General Class B lawncare containment permit. This prohibition shall not include sumps or wet wells which are used for the transfer of rinsates or wash waters provided these structures have a detention time of seventy-two (72) hours or less. Facility owners or operators desiring to construct and operate a non-portable wash water containment area adhering to these requirements shall make application to the Department for a General Class B lawncare containment permit.

- c) A General Class C lawncare containment permit shall be available for issuance by the Department for a non-portable wash water containment area for use with pesticide application devices with device capacities greater than 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.25 times the length and 1.25 times the width of the application vehicle or device. Pesticide application devices of a lesser volume than that described in this subsection may also be used with a wash water containment area permitted under this subsection. The design of the wash water containment area shall be such that the containment volume shall be a minimum of 120 gallons or 120% of the largest applicator tank volume(s), whichever is greater. If the wash water containment area is not protected from contact with precipitation, the containment volume shall be equal to or greater than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The wash water containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the applicator. The wash water containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. This provision for the collection and reuse or disposal of spills, wash waters and rinsates, in the case of non-portable containment structures, includes the requirement of a sump in the containment area. The use of underground structures, pits or piping for storage or transport of rinsates, wash water or recycled liquid is prohibited at a facility wishing to qualify for a General Class C lawncare containment permit. This prohibition shall not include sumps or wet wells which are used for the transfer of rinsates or wash waters provided these structures have a detention time of seventy-two (72) hours or less. Facility owners or operators desiring to construct and operate a wash water containment area adhering to these requirements shall make application to the Department for a General Class C lawncare containment permit.

Section 256.50 Experimental Permits

- a) To facilitate the improvement of containment technology, the Department shall issue Experimental permits for wash water containment areas that do not satisfy the requirements of this Part, provided the applicant provides proof (i.e., quality control, quality assurance, and supportive analytical data) that the process or technique has a reasonably substantial chance for success (i.e., the quality control for the experimental design will indicate if there is any malfunction).
- b) The Department shall issue a permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the wash water containment area shall be in compliance with the provisions of the Act and these rules. In addition to completed application forms, the submittal for an experimental permit shall include the following documents:
- 1) a location area map,
 - 2) a detailed plot plan of the facility,
 - 3) water supply protection schematic flow diagram,
 - 4) detailed engineering plans and specifications,
 - 5) operations and management practices plan, and
 - 6) any additional information the applicant or Department deems necessary to fully describe the project.
- c) A valid Experimental permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rule or this Part, but only to the extent that such action is based upon the failure of the process or technique.
- d) All Experimental permits shall have a duration not to exceed two years.
- e) Application for renewal of an Experimental permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the submittal of data and information submitted with the original application.

Section 256.60 Special Permits

- a) A Special lawncare containment permit shall be available for issuance by the Department to facility owners or operators for the construction and operation of wash water containment areas which do not fall within the parameters of either General Class or Experimental permits.
- b) The Department shall issue a Special lawncare containment permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the wash water containment area shall be in compliance with the provisions of the Act and these rules. In addition to the completed application forms, the submittal for a special lawncare containment permit shall include the

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following documents:

- 1) a location area map,
- 2) detailed plot plan of the facility,
- 3) water supply protection schematic flow diagram,
- 4) detailed engineering plans and specifications,
- 5) operations and management practice plan, and
- 6) any additional information the applicant or the Department deems necessary to fully describe the project.

- c) The wash water containment area permitted by the Department under a special lawncare containment permit shall provide for a minimum contained volume of 25 gallons of liquid or the volume of the application device, whichever is greater. If the wash water containment area is not protected from precipitation, the containment volume shall be equal to or greater than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The wash water containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. The wash water containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. Collection and reuse or disposal of spills, wash waters and rinsates, in the case of wash water containment areas permitted under Special lawncare containment permits, specifically requires the inclusion of a sump in the structure.

Section 256.70 Wash Water Containment Area Management and Operations

- a) Precipitation and accumulation shall never exceed a level that would impair the holding capacity of the wash water containment area. Such precipitation accumulation shall be removed from the wash water containment area after each storm and shall be field applied at agronomic rates, used in a liquid mixing operation, or otherwise recycled or disposed of in accordance with these rules. Precipitation accumulation from wash water containment areas shall not be discharged from the containment area as surface runoff during the application season, except when the containment structure has been cleaned and rinsed of pesticides in compliance with subsection (b) below, and the discharge shall not cause either water quality violations pursuant to 35 Ill. Adm. Code Subtitle C or a pesticide release pursuant to the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.). Any pesticide laden residues, rinsates, and pesticide contaminated wash water that are to be land applied shall be handled in accordance with the products' labels. Field application of diluted pesticide solutions is an acceptable use if the total annual application amounts of the pesticide do not exceed the pesticide label

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application rates. Rinsates and pesticide contaminated wash water may be used to make up the total spray mixture if the mixture does not exceed the pesticide label application rates. Pesticide, pesticide residues, rinsates, and pesticide contaminated wash water shall not be disposed of through storm sewers, sanitary sewer systems, public or private sewage treatment facilities or wells, waters of the State, nor to land, except as provided in this Section.

- b) Pesticide spills into wash water containment areas shall be recovered promptly and the structure washed to remove pesticide contamination. Proper cleaning shall include removal, washing and rinsing of material from the area, mud pits, sump pits and all interconnected pipes or structures. These wash water containment areas shall be washed with a biodegradable cleanser, triple rinsed with a high pressure hose and all standing water removed and disposed of as provided in subsection (a) above.
- c) Field washing of exterior surfaces of pesticide application equipment is acceptable at the site of the pesticide application provided no runoff from the site occurs.
- d) Spray application vehicles and equipment that are not cleaned shall be parked in the wash water containment area or otherwise protected from precipitation so as to prevent the release of pesticide residues to the environment.

Section 256.80 Site Closures and Discontinuation of Operations

When a lawncare wash water containment area is closed or operations are discontinued, pesticides, rinsates, wash waters, and other materials containing pesticides, and all pesticide containers shall be removed from the site and disposed of or utilized in one of the following manners:

- a) for the original intended purpose of the pesticide product, provided that the product is in a usable state, the product's registration (if required) has not been canceled, suspended, revoked, or denied by the United States Environmental Protection Agency or the Department, and label directions are followed; or
- b) be disposed of as a special waste or hazardous waste as authorized by the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 724, 725 and 809).

Section 256.90 Connections to the Water Supply

- a) Water service lines which connect a wash water containment area to a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Environmental Protection Act and Agency Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4)).
- b) Water service lines which connect a wash water containment area to a water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed

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proper air gap, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).

c) A fixed proper air gap with a minimum of six (6) inches above the flood level rim of the receptacle is required for water distribution points which are pesticide product pipe connections and tank filling operations. A reduced pressure principle backflow preventer is adequate for water distribution points that wash vehicles, rinsate pads, containers or other uses that are not directly connected to product lines or tanks.

d) Installation, maintenance and inspection of such backflow prevention devices shall be carried out in accordance with Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 and 653) or the Illinois Plumbing Code (77 Ill. Adm. Code 890), whichever is applicable.

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1) The heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 200

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
200.1	New Section
200.2	New Section
200.20	New Section
200.30	New Section
200.50	New Section
200.60	New Section
200.70	New Section

4) Statutory Authority: Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as Specified in Title II Regulation (28 C.F.R. 35.107) and Section 4 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, Ch. 127, Par. 1004).

5) Effective Date of Amendments: February 5, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in the Agency's principal office: February 2, 1993

9) Notice of Proposal published in the Illinois Register? February 7, 1992, 16 Ill. Reg. 1954.

10) Has JCAR issued a statement of Objection to these rules? No

11) Differences between proposal and final version? A number of editorial changes were made in response to the Joint Committee on Administrative Rules, and the entire Part was recodified to Title 4 of the Ill. Adm. Code.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this Amendment replace an Emergency Amendment currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of Amendment: To implement Federally imposed mandates.

OFFICE OF THE STATE FIRE MARSHAL
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16) Information and questions regarding this adopted amendment shall be directed to:

John J. Pavlou
General Counsel/ADA coordinator
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Ill 62703
217-785-1031

The full text of the Adopted Amendment begins on the next page:

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TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER V: OFFICE OF THE STATE FIRE MARSHAL

PART 200

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purposes
200.1	Definitions
200.2	Procedure
200.20	Designated Coordinator Level
200.30	Final Level
200.50	Accessibility
200.60	Case-by-Case Resolution
200.70	

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulation (28 C.F.R. 35.107) and Section 4 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1004).

SOURCE: Adopted at 17 Ill. Reg. 2200, effective February 5, 1993.

Section 200.1 Purposes

- a) This Americans with Disabilities Act (ADA) Grievance Procedure ("Procedure") is established.
- b) In general, the ADA requires that each program, service and activity offered by the Office of the State Fire Marshal (Office), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Office to foster open communication with all individuals requesting readily accessible programs, services and activities. The Office encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 200.2 Definitions

"Complainant" is an individual with a disability who files a Grievance Form provided by the Office under this procedure.

"Designated Coordinator" is the person(s) appointed by the State Fire Marshal who is/are responsible for the coordination of efforts of the Office to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703 (217)785-0969. See 28 CFR 25.107.

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"Grievance" is any complaint under the ADA by an individual with a disability who: meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Office, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Office or has been subject to discrimination by the Office.

"Office" means Office of the State Fire Marshal.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Section 200.20 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Office's last response.
- c) The Office shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 200.30 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Office to complete the Grievance Form.
- c) The Designated Coordinator, and his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to

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the complainant and State Fire Marshal within ten (10) business days after receipt of the Grievance Form.

Section 200.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the State Fire Marshal for final review. The complainant shall submit these documents to the State Fire Marshal, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The State Fire Marshal shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman by the State Fire Marshal.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representation to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the State Fire Marshal as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the State Fire Marshal in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the State Fire Marshal shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The State Fire Marshal's decision shall be final. If the State Fire Marshal disapproves or modifies the Panel recommendations, the State Fire Marshal shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the State Fire Marshal shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

Section 200.60 Accessibility

The Office shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

Section 200.70 Case-by-Case Resolution

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Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Office. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Pre-Arbitration
- 2) Code Citation: 50 Ill. Adm. Code 7020
- 3) Section Numbers: Adopted Action:
7020.80 Amendment
- 4) Statutory Authority: Sections 16 and 19(b-1) of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, pars. 138.16 and 138.19(b-1)).
- 5) Effective Date of Amendment: February 16, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 16, 1993
- 9) Date Notice of Proposed Amendments was published in the Illinois Register:
16 Ill. Reg. 14511 - September 25, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference between proposal and final version:
Updated statutory citations and inserted a comma after the reference to subsection (b)(2)(A)(iii) in Section 7020.80 (b)(3)(A)(ii).
Added the following sentence at the end of Section b)3)(C)ii):
Where the transcript of proceedings is ordered at the time a petition for Review is filed, the transcript shall be authenticated and filed pursuant to Section 7020.80(b)(4)(A)(iii).
Added the label "i)" to the first paragraph of

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Section b)4)B).

In b)4)B)i) line 7 deleted "25" and added "15".
In line 8 deleted "Petition for Review" and added
"Appellant's statement of exception(s)
and supporting brief".

Added Section ii) to b)4)B) as follows:

- ii) Timely filing shall be shown by:
the date file stamped on the document
at the time of receipt by the Commission
at its office in Chicago, Illinois; a
legible postmark date at least two (2)
calendar days prior to and exclusive of
the date on which such document was due
to be filed in accordance with this rule,
applied by the U.S. Postal Service, and
not by a party, to the envelope in which
the document is received by the Commission
at its offices in Chicago, Illinois, or
the date applied by the U.S. Postal Service
to a certified or registered mail receipt
bearing the same certification or registry
number as the envelope in which the
document was received by the Commission
at its offices in Chicago, Illinois,
showing a date of mailing which is not less
than two (2) calendar days prior to and
exclusive of the date on which document
was due to be filed. If the date required
for filing or mailing falls on a Saturday,
Sunday, or holiday, the time for filing or
mailing shall be the next date which is not
a Saturday, Sunday or holiday.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? No changes were required.

- 13) Will the Amendment replace an Emergency Rule currently in effect? No

- 14) Are there any other Amendments pending on this part? No

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15) Summary and Purpose of Amendments:

This rulemaking makes changes to the procedures governing Petitions for Immediate Hearing under Section 19(b-1) of the Workers' Compensation Act.

The rulemaking changes procedures relating to the preparation and submission of the original transcript of proceedings in a review of a decision of an Arbitrator under Section 19(b-1) of the Act.

Under the rulemaking, in Section 19(b-1) cases, instead of the Arbitrator automatically ordering the transcript at the Arbitration hearing, the transcript will be ordered at Arbitration only at the request of a party and the parties will share equally the cost of the original transcript if no Petition for Review is filed. If a Petition for Review is filed, the reviewing party shall pay for the cost of the original transcript and if the transcript is not ordered at Arbitration, the reviewing party must order the transcript when the Petition for Review is filed. The rulemaking further provides that a Petition for Review in a Section 19(b-1) case must include or be accompanied by a certification that payment for the transcript in the amount contained in the Arbitrator's decision has been made to the court reporter and must include a copy of the check(s) or money order(s) submitted to the court reporter.

In addition, changes were made to make requirements for reviews in Section 19(b-1) cases consistent with those in other cases on review. The rulemaking provides that statements of exceptions and supporting briefs and responses thereto required in Section 19(b-1) cases shall be filed in triplicate on one side of no more than 20 8 1/2" x 11" sheets of paper and shall follow the same format required for such documents in other cases pursuant to 50 Ill. Adm. Code 7040.70(a). The rulemaking provides that failure of any appellant to file timely a statement of exceptions and supporting brief may result in the denial of oral argument. The rule also states that appellee's response must be filed within 15 days from the last day allowed for the filing of appellant's statement of exceptions and supporting brief rather than 25 days from the

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TITLE 50: INSURANCE

CHAPTER II: INDUSTRIAL COMMISSION

PART 7020

PRE-ARBITRATION

last day allowed for the filing of the Petition for Review. The rulemaking provides for the timely filing of briefs consistent with requirements for the filing of briefs in other cases on review.

The rule states that after the Section 19(b-1) Petition for Review is filed the assigned Commissioner shall schedule the case for oral argument promptly. The rulemaking deletes current language which requires the Commission to schedule oral argument no less than 25 days nor more than 60 days after the filing of the Petition for Review.

16) Information and Questions regarding this Adopted rulemaking shall be directed to:

Kathryn A. Kelley
Counsel
Illinois Industrial Commission
100 West Randolph Street
Suite 8-272
Chicago, Illinois 60601
312/814-6559

The full text of the Adopted Amendment(s) begins on the next page:

Section

7020.10	Docketing and Numbering of Cases
7020.20	Application for Adjustment of Claim
7020.30	Memorandum of Names and Addresses for Service of Notice and Attorneys' Appearance
7020.40	Who May Appear-Unauthorized Practice
7020.50	Hearing: Place; Notice: Change of Venue
7020.60	Continuances on Arbitration, Notices, Monthly Status Call, Voluntary Dismissal
7020.70	Motion Practice, General
7020.80	Petitions for Immediate Hearing
7020.90	Petitions to Reinstate
7020.100	Medical Examinations

AUTHORITY: Implementing and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.16).

SOURCE: Filed and effective March 1, 1977; amended at 2 Ill. Reg. 49, p. 244, effective December 7, 1978; amended at 3 Ill. Reg. 4, p. 13, effective January 21, 1979; amended at 4 Ill. Reg. 26, p. 59, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 41, p. 171, effective September 25, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 5530, effective May 12, 1981; emergency amendment at 6 Ill. Reg. 5820, effective May 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 1, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2345; emergency amendment 8 Ill. Reg. 5986, effective August 16, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 16238, effective October 15, 1985; emergency amendment at 9 Ill. Reg. 19129, effective November 20, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8096, effective May 5, 1986; amended at 15 Ill. Reg. 8221, effective May 17, 1991; amended at 17 Ill. Reg. 2206, effective February 16, 1993.

Section 7020.80 Petitions for Immediate Hearing

- a) Petition for Immediate Hearing Under Section 19(b)
- 1) Petition alleging that
 - A) he is unable to work because of a disability compensable under Workers' Compensation Act or Workers' Occupational Diseases Act, and
 - B) he is not receiving temporary total disability or medical benefits to which he is entitled, may file a Petition for Immediate Hearing, as provided for in Section 19(b) of the Workers' Compensation Act, on an appropriate form provided

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by the Commission. Said Petition shall set forth:

- i) a description of the attempts by parties or counsel to resolve the dispute requiring an immediate hearing, including the name of the representative of the opposing party with whom the Petitioner or his attorney has conferred, the date of the conference, and the result of the conference;
- ii) a statement that a signed physician's report of recent date relating to the employee's current inability to work, or a description of such other evidence of temporary total disability as is appropriate under the circumstances, has been delivered to the Respondent.
- C) A response to said Petition shall be filed on an appropriate form provided by the Commission within 15 days of service of Petition for Immediate Hearing. Failure to respond timely or in good faith may result in the assessment of the attorneys' fees under Section 16 of the Workers' Compensation Act. The Petition for Immediate Hearing shall be filed and heard in accordance with Section 7020.70.
- 2) The Arbitrator to whom the case is assigned shall attempt to resolve the matter informally. If the matter cannot be resolved at that time, and the Arbitrator determines the Petitioner is not receiving temporary total disability or medical benefits, said Arbitrator shall order the case to formal hearing on a date certain as soon as possible.
- b) Petition for Immediate Hearing under Section 19(b-1).

- 1) Filing Petition for Emergency Hearing under Section 19(b-1)
An employee alleging that:

- A) he is unable to work because of disability compensable under the Workers' Compensation Act or Workers' Occupational Diseases Act, and
- B) he is not receiving temporary total disability and/or medical, surgical, or hospital benefits to which he is entitled under Section 8(a) or 8(b) of the Workers' Compensation Act,

may file a Petition for Immediate Hearing before an Arbitrator as provided for in Section 19(b-1) of the Workers' Compensation Act, on an appropriate form provided by the Commission. Such Petition must comply with all requirements of the Workers' Compensation Act.

- 2) Section 19(b-1) Proceedings before Arbitrators: Pre-trial Conferences

- A) The Arbitrator will hold a pre-trial conference within 20 days after the Petition for Emergency Hearing is filed. If the venue is outside of Cook County the pre-trial conference will be held at either the regularly scheduled hearing site or at another hearing site for the same Arbitrator available within that time period and located as close as practical to the original hearing site. Notice of pre-trial conference

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- B) Any challenges to the sufficiency of the Section 19(b-1) Petition will be heard at the pre-trial conference.
- C) If the Section 19(b-1) Petition is found by the Arbitrator to be insufficient, the Arbitrator will allow the Petitioner 5 business days to cure all insufficiencies and all time limits under the statute are tolled until the Arbitrator has determined that the amended Petition is sufficient. During the aforementioned time period the amended Section 19(b-1) Petition with proof of service to opposing party shall be filed with the Commission. If the insufficiencies are not cured within the time limit, the Section 19(b-1) Petition will be dismissed without prejudice by the Arbitrator and notices of the dismissal will be sent by the Industrial Commission to all parties of record.
- D) If within the time period provided above the insufficiencies are cured and the parties have not received from the Commission notices of dismissal of the Section 19(b-1) Petition, the Respondent shall have 15 days from receipt of the amended Section 19(b-1) Petition to respond thereto.

3) Section 19(b-1) Hearing, Decisions, and Transcripts

A) Hearings

- i) If at the pre-trial conference the Arbitrator finds the Section 19(b-1) Petition to be sufficient he will set the case to be tried within 15 days at either the regularly scheduled hearing site or at another hearing site for the same Arbitrator available within that time period and located as closely as practical to original hearing site.

- ii) If the Section 19(b-1) Petition is insufficient, the Arbitrator will set the case to be tried within 35 days of the pre-trial conference at either the regularly scheduled hearing site for the same Arbitrator or at another hearing site for the same Arbitrator available within the time period and located as closely as practical to the original hearing site. If within the time period provided in subsection (b)(2)(A)(iii) above, the insufficiencies are cured and the parties have not received from the Commission notices of dismissal of the Section 19(b-1) Petition, the trial will be held as scheduled.

- iii) Proofs are to be closed within 45 days after a Section 19(b-1) Petition, or an amended Petition curing any insufficiencies as provided above is filed, unless for good cause the Arbitrator extends the time for closing proofs for an additional period of periods not to exceed a total extension period of 30 days. Good cause is defined as, but not limited to; additional medical records needed and taking of depositional

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evidence.

B) Arbitrator Decision

The Arbitrator's decision is to be filed with the Commission within 25 days after proofs are closed. The Arbitrator's decision shall contain the final cost of the arbitration transcript, or the estimated cost of the transcript if the final cost is not available at the time the Arbitrator's decision is issued.

C) Transcripts

i) At the beginning of each hearing at which a record is made the Arbitrator will state the following rule for the record: Upon the closing of proofs, at the request of any party, the Arbitrator shall order the Court Reporter to prepare an original transcript of this hearing, to be authenticated by the Arbitrator for use by the Commission in the event it is required for further proceedings including any proceedings for a review of the Arbitrator's decision. The parties may order copies of the transcript of today's hearing at the cost close of the hearing, to be charged at the rate provided in Section 16 of the Workers' Compensation Act for copies of transcript. Each party shall pay the cost of its copy. If a Petition for Review is filed, the appealing party shall pay the cost of the original transcript. If no Petition for Review is filed, the parties shall pay the cost of the original transcript, such cost to be divided equally among the parties. At the close of each day's hearing on Arbitration, the Court Reporter shall provide an estimate of the cost of preparing the transcript. The estimated cost of the transcript may not be the final cost of the transcript for which a party is liable. If the party orders a copy of the transcript at a later time, it is unlikely it will be received in sufficient time for use in preparation of the party's statement of exception(s) and supporting brief, or a response thereto, in the event either party files a petition for review of the Arbitrator's decision. If the original is not on file, in the event a transcript is ordered it will be prepared as an original and the party will be charged at a rate provided for in Section 16 of the Workers' Compensation Act. If the party wants a copy of the original transcript he will be charged at the same rate as provided in Section 702.80(b)(4)(i). The Commission will not consider the unavailability of a copy of the transcript good cause for the failure to file a timely statement of exception(s) and supporting brief, or a response thereto.

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ii) Where the transcript of proceedings has been ordered pursuant to subsection (b)(3)(C)(i) above, the transcript of proceedings authenticated by the Arbitrator and copy of the statement of the final cost of the preparation of the transcript shall be filed by the Court Reporter at the Commission within 25 days after proofs are closed. Where the transcript of proceedings is ordered at the time a Petition for Review is filed, the transcript shall be authenticated and filed pursuant to Section 702.80(b)(4)(A)(iii). The Commission shall pay for an original transcript of proceedings and shall be reimbursed by any party filing a petition for review, as provided in sub-section 4(A)(ii), or by any party subsequently initiating a proceeding which requires preparation and submission of a transcript of the proceedings.

4) Section 19(b-1) Proceedings before the Commission

A) Perfecting a Review

A Petition for Review must be filed in duplicate at the Commission within the time provided by Section 19 of the Workers' Compensation Act. The Petition must contain or be accompanied by the following:

- i) A Certificate of Service on the opposing party by personal service or certified mail;
- ii) A certification that payment for the transcript in the amount set forth in the Arbitrator's Decision in the form of cash, check or money order therefor and payable to the Industrial Commission of Illinois, has been made to the Court Reporter. The Petition shall be accompanied by a copy of the check or money order sent to the Court Reporter. Where the amount paid is an estimate, the balance of the cost, if any, shall be paid upon receipt of the statement from the Court Reporter setting forth the final cost of the transcript. An order entered pursuant to Section 20 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.20) may be submitted for payment of the transcript;
- iii) An order for the transcript of proceedings at Arbitration, where said transcript was not ordered at Arbitration. The transcript of proceedings authenticated by the Arbitrator shall be filed by the Court Reporter at the Commission within 25 days of the filing of the Petition for Review.
- iiii) A statement of Appellant's specific exception(s) to the Arbitrator's decision; attachment of the statement of exception(s) and supporting brief required by sub-section (4)(B) below will satisfy this requirement.

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B) Statement of Exception(s) and Supporting Brief

- i) Any party filing a Petition for Review with the Commission shall file a statement of exception(s) and supporting brief with attached proof of service within 15 days of the filing of the Petition for Review. The Appellee may elect to file a response thereto, in which case the response must be filed and served on the opposing party within 15 days from the last day allowed for the filing of the Petition--for--Review. Appellant's statement of exception(s) and supporting brief. Each party filing a statement of exception(s) and/or additions and supporting brief or response thereto shall file three (3) copies. Such statement of exception(s) and/or additions and supporting brief, or response thereto shall be written or printed on one side of no more than twenty (20) 8 - 1/2" x 11" sheets of paper and shall follow the format set forth in 50 Ill. Adm Code 7040.70(a). Failure of any appellant or petitioning party to file timely a statement of exception(s) and supporting brief may result in denial of oral argument.

- ii) Timely filing shall be shown by: the date file stamped on the document at the time of receipt by the Commission at its office in Chicago, Illinois; a legible postmark date at least two (2) calendar days prior to and exclusive of the date on which such document was due to be filed in accordance with this rule, applied by the U.S. Postal Service, and not by a party, to the envelope in which the document is received by the Commission at its office in Chicago, Illinois, or the date applied by the U.S. Postal Service to a certified or registered mail receipt bearing the same certification or registry number as the envelope in which the document was received by the Commission at its offices in Chicago, Illinois, showing a date of mailing which is not less than two (2) calendar days prior to and exclusive of the date on which document was due to be filed. If the date required for filing or mailing falls on a Saturday, Sunday, or holiday, the time for filing or mailing shall be the next date which is not a Saturday, Sunday or holiday.

- C) Hearing on Review and Oral Arguments
No hearing on Review will be held by the Commission. Immediately after the Petition for Review has been filed it will be assigned to a Commissioner who will promptly schedule the case for oral argument before a panel of three Commissioners as provided in Section 19(e) of the Act at a time-no-less-than-25-days-not-more-than-60-days--after--the

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filing-of-the-Petition-for-Review.

- D) The Commission shall file its decision no more than 90 days after the filing of the Petition for Review, and not later than 180 days from the filing of the Petition under Section 19(b-1), whichever is sooner.
- 5) Service in Section 19(b-1) Proceedings
All service required pursuant to this rule must be by personal service or certified mail with return receipt. After initial service to the employer, service shall be made on the employer's attorney or designated representative.

(Source: Amended at 17 Ill. Reg. 2206, effective
February 16, 1993)

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1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

<u>Section Numbers</u>	<u>Adopted Action</u>
240.131	New Section
240.132	New Section
240.133	New Section
240.160	Amended
240.170	Amended
240.180	Amended
240.190	Amended
240.195	Amended

4) Statutory Authority: Implemented and authorized by Section 9 of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5415) (225 ILCS 725/9)

5) Effective Date of Amendments: February 8, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 8, 1993

9) Notice of Proposed Amendments Published in Illinois Register:
16 Ill. Reg. 13722 - September 11, 1992

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

1) Section 240.133(a)(3), the fourth line, "Section 240.32" has been corrected to read "Section 240.132".

2) In the Table of Contents: Section 240.130: "Notices" has been changed to "Notice", Section 240.840: "Burn Off" has been changed to "Burn-Off".

3) The Main Source Note has been updated.

4) "SUBPART A: GENERAL PROVISIONS" (centered) has been added before the first Section.

5) In Section 240.131, 240.132 and 240.133, the Section source note has been changed from "New Section added" to "Added".

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6) In Section 240.180(a), "below" has been inserted following the reference to "subsection (b)".

7) In Section 240.180(c)(3) and 240.190(c), the IAPA cite has been corrected

8) All Ill. Rev. Stat. citations have been enclosed in parenthesis.

9) In Section 240.195(c), "above" has been inserted following the reference to "subsection (b)".

12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

Section Number	Proposed Action	Illinois Register Citation
240.800	New Section	16 Ill. Reg. 19440
240.805	Repealed, New Section	16 Ill. Reg. 19440
240.810	Repealed, New Section	16 Ill. Reg. 19440
240.820	Repealed, New Section	16 Ill. Reg. 19440
240.830	Repealed, New Section	16 Ill. Reg. 19440
240.840	Repealed, New Section	16 Ill. Reg. 19440
240.850	Repealed, New Section	16 Ill. Reg. 19440
240.860	Repealed, New Section	16 Ill. Reg. 19440
240.870	Repealed, New Section	16 Ill. Reg. 19440
240.880	Repealed, New Section	16 Ill. Reg. 19440
240.890	Repealed, New Section	16 Ill. Reg. 19440
240.895	Repealed, New Section	16 Ill. Reg. 19440
240.905	New Section	16 Ill. Reg. 19440
240.910	Repealed, New Section	16 Ill. Reg. 19440
240.920	Repealed, New Section	16 Ill. Reg. 19440
240.925	New Section	16 Ill. Reg. 19440
240.930	Repealed, New Section	16 Ill. Reg. 19440
240.940	Repealed, New Section	16 Ill. Reg. 19440
240.950	Repealed, New Section	16 Ill. Reg. 19440
240.960	Repealed	16 Ill. Reg. 19440
240.970	Repealed	16 Ill. Reg. 19440
240.980	Repealed	16 Ill. Reg. 19440
240.985	Repealed	16 Ill. Reg. 19440
240.990	Repealed	16 Ill. Reg. 19440
240.1181	New Section	16 Ill. Reg. 19440
240.1400	Amended	16 Ill. Reg. 19440
240.1410	Amended	16 Ill. Reg. 19440
240.1420	Amended	16 Ill. Reg. 19440
240.1430	Amended	16 Ill. Reg. 19440

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240.1450 Amended 16 Ill. Reg. 19440
240.1460 Amended 16 Ill. Reg. 19440

15) Summary and Purpose of Rule(s):

Section 240.131 establishes requirements for the content and filing of unitization petitions, the conduct of hearings, and the entering of orders under Section 23.3 et seq. of the Illinois Oil and Gas Act.

Section 240.132 establishes requirements for the content and filing of integration petitions, the conduct of hearings, and the entering of orders under Section 22.2 of the Illinois Oil and Gas Act.

Section 240.133 establishes requirements for the content and filing of petitions to establish drilling units, the conduct of hearings, and the entering of orders under Section 21.1 of the Illinois Oil and Gas Act.

Section 240.160 establishes standards for the amounts of civil penalty assessments for violations of the Illinois Oil and Gas Act based on the nature of the violation, past history of violations by the permittee, actions of the permittee with respect to the violation, and seriousness of the violation.

Section 240.170 allows the Department to issue a Cessation Order against a permittee for operating a well in violation of the Department's spacing requirements or for operating wells without having paid the permittee's annual well fees.

Section 240.180 adds provisions regarding enforcement hearings to allow the hearing officer to determine the timing and scope of discovery prior to hearing and to allow motions for default judgments, summary judgments, protective orders and orders compelling discovery. Requires all settlement agreements in such hearings to be signed by the hearing officer and requires any order after a contested hearing to be reviewed by the Director, along with a review of the administrative record, who shall then enter a final administrative decision affirming, vacating or modifying the Hearing Officer's decision.

Section 240.190 makes explicit that it is the Department's hearing officer who shall issue a final administrative decision on any request for temporary relief.

Section 240.195 explicitly references new hearing sections covered by rule on subpoenas and requires that witness fees and mileage be paid at the same time that the subpoena is served.

16) Information and questions regarding these adopted amendments shall be directed to:

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Name: John C. Henriksen
General Counsel

Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section

240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notice
240.131	Utilization Hearings
240.132	Integration Hearings
240.133	Drilling Unit Hearings
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section

240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.250	Issuance of Permit
240.255	Underground Injection and Disposal Projects (Recodified)
240.260	Change of Well Location
240.260	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.270	Duration of Underground Injection Well Orders (Repealed)

240.280

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SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section

240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen or Convert to a Class II UIC Well
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section

240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.460	Special Drilling Units Based Upon Reservoir Characteristics

SUBPART E: DRILLING AND CASING PROCEDURES

Section

240.510	Rotary Drilling Procedure (Repealed)
240.520	Cable Tool Drilling Rules (Repealed)
240.530	Slush and Mud Pits

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS
OPERATING REQUIREMENTS

Section

240.600	Applicability
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)

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- 240.680 Escape of Unburned Gas Prohibited (Repealed)
- SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section
240.700 Applicability
240.710 Surface and Production Casing Requirements for Newly Drilled Class
II UIC Wells Drilled After the Effective Date of this Section
240.720 Surface and Production Casing Requirements for Conversion to Class
II UIC Wells
240.730 Surface and Production Casing Requirements for Existing Class II UIC
Wells
240.740 Other Construction Requirements for Class II UIC Wells
240.750 Operating Requirements for Class II UIC Wells
240.760 Internal Mechanical Integrity Testing for Class II UIC Wells
240.770 External Mechanical Integrity Testing for Class II UIC Wells
240.780 Reporting Requirements for Class II UIC Wells
240.790 Confidentiality of Well Data

SUBPART H: GENERAL LEASE OPERATING REQUIREMENTS AND
AVOIDANCE OF SURFACE POLLUTION

Section
240.805 Introduction
240.810 Disposal in Underground Stratum
240.820 Disposal in Earthen Pits
240.830 Pipes to be Kept in Repair
240.840 Burn-Off pits
240.850 Lease Tank Reservoirs
240.860 Fire Hazards at Well Locations
240.870 Mining Board Supervision
240.880 Yearly Inspection--of Pits--Revocation of Permits--Orders for
Corrective Action and Other Disposal
240.890 Lease and Well Identification

SUBPART I: OIL FIELD BRINE HAULING

Section
240.905 Introduction (Recodified)
240.910 Authority, Policy and Purpose
240.920 Definitions
240.930 Oil Field Brine Haulers Permit
240.940 Applications for Brine Hauling Permit Shall Include the Following:
240.950 Applications for Oil Field Brine Hauling Permits--Signatures and
Authorization
240.960 Oil Field Brine Hauling Permit Conditions
240.970 Inspection of Vehicles
240.980 Transfer of Permits

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- 240.985 Revocation of Oil Field Brine Hauling Permit
240.990 Records and Reporting Requirements
240.995 Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section
240.1005 Requirements for Use of Vacuum Pumps
240.1010 Application for Use of Vacuum
240.1020 Notice and Hearing on Application
240.1030 Mining Board Authority

SUBPART K: PLUGGING OF WELLS

Section
240.1105 Plugging of Non-Productive Wells (Repealed)
240.1110 Definitions
240.1120 Plugging of Uncased Wells
240.1130 Plugging or Temporary Abandonment of Abandoned or Inactive Wells
240.1140 General Plugging Procedures and Requirements
240.1150 Specific Plugging Procedures
240.1151 Procedures for Plugging Coal Seams
240.1160 Converting to Water Well (Repealed)
240.1170 Well Site Restoration
240.1180 Lease Restoration
240.1190 Filling Plugging Affidavit

SUBPART L: OTHER WELLS

Section
240.1200 Application for Permit for Geological or Structural Test Hole
240.1205 Transfer of Management (Recodified)
240.1210 When Bond Required--Amount (Recodified)
240.1220 Kind of Bond--Execution (Recodified)
240.1230 Bond of Manager (Recodified)
240.1240 Bond Form--Approval (Recodified)
240.1250 Surety May Cancel Bond (Recodified)
240.1260 Mining Board May Cancel Bond (Recodified)
240.1270 Casing Puller's Bond (Recodified)

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section
240.1300 Introduction
240.1305 Permit Requirements in Mine Areas
240.1310 Workable Coal Beds Defined
240.1320 Mining Board may Determine Presence of Coal Seams
240.1330 Well Locations Prohibited
240.1340 Notice to Mining Board

240.1350 Casing and Protective Work
240.1360 Operational Requirements Over Active Mine
240.1370 Inspection of Vehicles (Recodified)
240.1380 Transfer of Permits (Recodified)
240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)
240.1390 Records and Reporting Requirements (Recodified)
240.1395 Bonds--Blanket Surety Bond (Recodified)

SUBPART N: TRANSFER OF OWNERSHIP

Section
240.1400 Definitions
240.1405 Transfer of Management (Repealed)
240.1410 Applicability
240.1420 When Notification to be Made
240.1430 Responsibilities of Current Permittee
240.1440 Responsibilities of New Permittee
240.1450 Authority of Persons Signing Notification
240.1460 Other Conditions for and Effect of Transfer
240.1470 Casing Puller's Bond (Repealed)

SUBPART O: BONDS

Section
240.1500 When Required and Amount
240.1510 Definitions
240.1520 Bond Requirements
240.1530 Forfeiture of Bonds

AUTHORITY: Implementing and authorized by Sections 6 and 8a of The Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 5409 and 5413).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective Jan. 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18959, effective February 8, 1993.

SUBPART A: GENERAL PROVISIONS

Section 240.131 Unitization Hearings

a) Commencement of Action
Where separately owned tracts of land are underlain by all or a portion of a common pool of oil or gas or both, an interested person may petition the Department for an order unitizing those tracts, that is to combine those tracts within a unified operation, pursuant to Section 23.2 et seq. of the Act. The petition for a unitization order shall contain the following:

1) A legal description of the land and geologic description of the reservoirs within the proposed unit area;
2) The names of all persons owning or having an interest in the oil and gas rights in the proposed unit area as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the unit area is situated, and their addresses, if known. If the address of any person or the name of any owner is unknown, the petition shall so indicate and shall state whether due diligence was used in locating such unknown address or unknown owner;
3) A statement of the type of operations contemplated for the unit area;

4) A copy of a proposed plan of unitization signed by persons owning not less than 60% of the working interest underlying the surface within the area proposed to be unitized, which the petitioner considers fair, reasonable and equitable; said plan of unitization shall include (or provide in a separate unit operating agreement, if there be more than one working interest owner, a copy of which shall accompany the petition) the following:

A) A plan for allocating to each separately owned tract in the unit area its share of the oil and gas produced from the operation of the unit area or consumed in the conduct of the shall include the participation factors for each tract and a detailed description of the methodology and supporting data used to calculate the participation factors.

B) A provision indicating how unit expense shall be determined and charged to the several owners, including a provision for carrying or otherwise financing any working interest owner who has not executed the proposed plan of unitization and who elects to be carried or otherwise financed, and allowing the unit operator, for the benefit of those working interest owners who have paid the development and operating costs, the recovery of not more than 150% of such person's actual share of development costs of the unit plus operating costs, with interest. Recovery of the money advanced to owners wishing to be financed, for development and operating costs of the unit, together with such other sums provided for herein, shall only be recoverable from such owner's share of

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unit production from the unit area.

- C) A procedure and basis upon which wells, equipment, and other properties of the several working interest owners within the unit area are to be taken over and used for unit operations, including the method of arriving at the compensation therefor.
 - D) A plan for maintaining effective supervision and conduct of unit operations, in respect to which each working interest owner shall have a vote with a value corresponding to the percentage of unit expense chargeable against the interest of such owner. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5440.)
 - E) A summary of the total cumulative production to date, the estimated additional total recoverable reserves from the proposed unit, and the estimated total development cost and operating cost of the unit.
 - 5) The name and addresses of the proposed operator or operators of the unit.
 - 6) A map showing the tracts or group of leases included within the proposed unit area, the location of the proposed injection well or wells and the name, permit number, and location of all oil and gas wells, including abandoned wells, active wells and dry holes and the reservoirs in which all such wells are currently completed, and the names of all operators offsetting the proposed unit area and the names, description and depth of the producing zones in those areas;
 - 7) A map showing the structure of the geologic horizon that best represents the structure of the proposed reservoirs to be unitized;
 - 8) A listing of the reservoirs to be unitized and a map showing the productive portion, thickness, and extent of each such reservoir;
 - 9) An induction or electric log of a representative well completed in the proposed unitized reservoirs;
 - 10) A description of the injection medium to be used, its source and the estimated amounts to be injected daily;
 - 11) A description of the proposed plan of development of the area included within the unit;
 - 12) An allegation of the facts required to be found by the Department under Section 23.5 of the Act.
- b) Execution and Filing
- 1) The petition for an order creating a unit pursuant to Section 23.3 et seq. of the Act shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.
 - 2) Every petition shall be signed by the petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a

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certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.

- c) Notice of Hearing
 - 1) Upon the receipt of a petition for unitization, the Department shall fix the time and place for a public hearing, which shall be no less than 30 days nor more than 60 days after the date of the filing of said petition. The Department shall prepare a notice of hearing, which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceedings, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands contained within the proposed unit area. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5441.) The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting such entry of appearance in writing to the Department and that thereafter such person shall be deemed a party of record in the proceeding.
 - 2) The Department shall mail such notice to the Petitioner who shall then serve such notice in the following manner:
 - A) By mailing such notice by certified mail, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and
 - B) By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing, in a newspaper of general circulation published in each county containing some portion of the proposed unit area. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 5441.)
 - 3) Whenever the Department shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect such person's rights or property, the Department shall cause notice to be sent to such person, as provided in this subsection.
- d) Pre-Hearing Conferences
 - 1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to

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assure a just conclusion thereof.

- 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

e) Hearing

- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
- B) To receive relevant evidence;
- C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- D) To consider and rule upon procedural requests;
- E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
- F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his own motion or for good cause shown on motion of any party of record.

- 2) Every interested person wishing to participate at the hearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record.

- 3) All participants in the hearing shall have the right to be represented by counsel.

- 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

- 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit such information as is necessary to reach a decision on the petition.

- 6) Preliminary Matters: Where applicable, the following shall be addressed prior to receiving evidence:

- A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

- B) Ruling may be made on any pending motions.

- C) Any other preliminary matters appropriate for disposition prior to presentation of evidence.

f) Evidence

- 1) Admissibility: A party shall be entitled to present his case by

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oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

- 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

- 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.

- 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

g) Record of Proceedings; Testimony

The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department as such and included in the record.

h) Postponement or Continuance of hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved

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expeditiously.

1) Default

If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the parties' control.

1) Order

Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry. The Department shall render a decision within 30 days after the hearing unless all parties that have appeared agree to waive this requirement.

2) The order shall grant the petition for unitization if based on the record the Hearing Officer finds all of the following:

- A) That the unitized management and operation is economically feasible and reasonably necessary to increase the ultimate recovery of oil and gas, to prevent waste, and to protect correlative rights;
- B) That the value of the estimated ultimate additional recovery of oil and gas will exceed the estimated additional cost, if any, incident to conducting the unit operation;
- C) That the areal extent of the pool or pools, or parts thereof, has been reasonably defined and determined by drilling operations, and the unitization and operation of such will have no substantially adverse effect upon the remainder of the pool or pools, or parts thereof;
- D) That the allocation of unit production to each separately owned tract is fair, reasonable and equitable to all owners of oil and gas rights in the unit area;
- E) That the determination and allocation of unit expense is fair, reasonable and equitable to the working interest owners; and
- F) That the compensation or adjustment for wells, equipment and other properties of the working interest owners is fair, reasonable and equitable [Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5442].

3) If the petition is granted the order shall provide for the authorization of the unit and unitized operation, as proposed by the petitioner, upon such terms and conditions as may be shown by the evidence to be fair, reasonable, equitable and which are

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necessary or proper to protect and safeguard the respective rights and obligations of the working interest owners and royalty owners, and for the protection of correlative rights and the prevention of waste. The order shall state the time the unit operation shall become effective and the manner in which and the circumstances under which the unit operation shall terminate.

4) The order shall deny and dismiss the petition for unitization if based on the record the Hearing Officer finds that the petitioner has failed to establish the requirements for formation of a unit set forth in subsection (j)(2) above. An order denying and dismissing a petition for unitization shall be entered within thirty (30) days after the hearing. Such order shall set forth the reasons for dismissal, and the same shall be promptly filed by the petitioner, if notice was filed under paragraph (2) of Section 23.3 of the Act, in the recorder's office of the county or counties wherein the land is situated.

k) Approval of plan of unitization--effective date of order. No order of the Department providing for unit operations shall become effective unless and until the plan of unitization has been approved in writing by those persons who, under the order, will be required to pay at least 75% of the unit expense, and also by the persons owning at least 75% of the unit production or proceeds thereof that will be credited to interests which are free of unit expense, including but not limited to, royalties, overriding royalties, carried interests, net profit interests, and production payments, and the Director has made such a finding, either in the order providing for unit operations or in a supplemental order, that the plan of unitization has been so approved; provided, however, that if any person is obligated to pay 75% or more, but less than 100% of the unit expense, the approval of that person and at least one other such person shall be required; and if one person entitled to production or proceeds thereof will be credited to interests which are free of unit expense, owns 75% or more, but less than 100%, the approval of that person and at least one other such person shall be required. If the plan of unitization has not been so approved at the time the order providing for unit operations is issued, the Department shall, upon petition and notice, hold such supplemental hearings as may be required to determine if and when the plan of unitization has been so approved and shall issue a supplemental order evidencing such approval. If the requisite number of persons and the requisite percentage of interests in the unit area do not approve the plan of unitization within a period of 6 months from the date on which the order providing for unit operations is made, such order shall be revoked by the Department unless for good cause shown the Department extends said time for an additional period of time not to exceed one year. [Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5445.]

1) Notice of Order--Recordation

Within 10 days after an order has been issued, a copy of such order shall be mailed by the Department to each person or his attorney of

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record who has entered his appearance in the matter pursuant to which such order is issued. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the unit is situated a copy of the order providing for unit operations.

- m) Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Added at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.132 Integration Hearings**a) Commencement of Action**

Where the oil or gas rights within a drilling unit are separately owned and the owners of those rights have not voluntarily agreed to integrate or pool those rights to develop the oil or gas, an owner may petition the Department for an order integrating those rights, pursuant to Section 22.2 of the Act. The petition for an order integrating interests shall contain the following:

- 1) The name and address of the petitioner;
- 2) The petitioner's reasons for desiring to integrate the separately owned interests;
- 3) A legal description of the drilling unit sought to be established;
- 4) A geologic description of the reservoir where the proposed drilling unit is to be located;
- 5) A description of the interest owned by the petitioner and each person named in the petition;
- 6) The names of all persons who have not agreed to integrate their interests owning or having an interest in the oil and gas rights in the proposed drilling unit as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the drilling unit is situated, and their addresses, if known. If the address of any person is unknown, the petition shall so indicate;
- 7) A statement that the owners have not agreed to integrate their interests;
- 8) A statement that the petitioner has exercised due diligence to locate each owner and that a bona fide effort was made to reach an agreement with each owner as to how the unit would be developed;
- 9) A statement that no action has been commenced by the owners seeking permission to drill pursuant to the provisions of the Oil and Gas Rights Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 4901 et seq.);
- 10) Any other information relevant to protect correlative rights of the parties sought to be affected by the order.

b) Execution and Filing

- 1) The petition for an order requiring integration pursuant to Section 22.2 of the Act shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.
- 2) Every petition shall be signed by the Petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.

c) Notice of Hearing

- 1) Upon the receipt of a petition for integration, the Department shall fix the time and place for a hearing.
- 2) The Department shall prepare a notice of hearing which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands embraced within the proposed drilling unit. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting such entry of appearance in writing to the Department and that thereafter such person shall be deemed a party of record in the proceeding. The Department shall mail such notice to the Petitioner who shall then serve such notice in the following manner:
 - A) By mailing such notice by certified mail, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and
 - B) By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
- 4) Whenever the Department shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect such person's rights or property, the Department shall cause notice to be sent to such person, as provided in this subsection.
- d) Pre-Hearing Conferences
 - 1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations, admissions of fact and the contents and authenticity of documents;

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- C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
- 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- e) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:
 - A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his own motion or for good cause shown on motion of any party of record.
 - 2) Every person appearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record.
 - 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.
 - 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit such information as is necessary to reach a decision on the petition.
 - 6) Preliminary Matters: Where applicable, the following shall be addressed prior to receiving evidence:
 - A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

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- B) Ruling may be made on any pending motions.
- C) Any other preliminary matters appropriate for disposition prior to presentation of evidence.
- f) Evidence
- 1) Admissibility: A party shall be entitled to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
 - 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.
- g) Record of Proceedings: Testimony
- The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department as such and included in the record.
- h) Postponement or Continuance of Hearing
- A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of any emergency, motions

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requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

1) Default

If a party, after proper services of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing be continued or postponed pursuant to Section 240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the parties' control.

1) Order

1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.

2) In making the determination of integrating separately owned interests, and determining to whom the permit should be issued, the Department may consider:

A) The reasons requiring the integration of separate interests;
B) The respective interests of the parties in the drilling unit sought to be established, and the pool or pools in the field where the proposed drilling unit is located;

C) Any parties' prior or present compliance with the Act and the Department's rules; and

D) Any other information relevant to protect the correlative rights of the parties sought to be affected by the integration order.

3) Each order integrating separately owned interests shall authorize the drilling, testing, completing, equipping, and operation of a well on the drilling unit; provide who may drill and operate the well; prescribe the time and manner in which all the owners in the drilling unit may elect to participate therein; and make provision for the payment by all those who elect to participate therein of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. Should an owner not elect to voluntarily participate in the risk and costs of the drilling, testing, completing and operation of a well as determined by the Department, the integration order shall provide either that:

A) The nonparticipating owner shall surrender a leasehold interest to the participating owners on a basis and for such terms and consideration the Department finds fair and

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reasonable; or

B) The nonparticipating owner shall share in a proportionate part of the production of oil and gas from the drilling unit determined by the Department, and pay a proportionate part of operation cost after the participating owners have recovered from the production of oil or gas from a well all actual costs in the drilling, testing, completing and operation of the well plus a penalty to be determined by the Department of not less than 100% nor more than 300% of such actual costs.

4) For the purpose of this Section, the owner or owners of oil and gas rights in and under an unleased tract of land shall be regarded as a lessee to the extent of a 7/8 interest in and to said rights and a lessor to the extent of the remaining 1/8 interest therein.

5) In the event of any dispute relative to costs and expenses of drilling, testing, equipping, completing and operating a well, the Department shall determine the proper costs after due notice to interested parties and a hearing thereon. The operator of such unit, in addition to any other right provided by the integration order of the Department, shall have a lien on the mineral leasehold estate or rights owned by the other owner therein and upon their shares of the production from such unit to the extent that costs incurred in the development and operation upon said unit are a charge against such interest by order of the Department or by operation of law. Such liens shall be separable as to each separate owner within such unit, and shall remain liens until the owner or owners drilling or operating the well have been paid the amount due under the terms of the integration order. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5436.)

k) Notice of Order--Recordation
Within 10 days after an order has been issued, a copy of such order shall be mailed by the Department to each person or his attorney of record who has entered his appearance in the matter pursuant to which such order is issued and to each working interest owner who has not agreed to an integration. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the drilling unit is situated a copy of the order providing for integration of the separate interests.

l) Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Illinois Oil and Gas Act.

(Source: Added at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.133 Drilling Unit Hearings

a) Commencement of Action

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1) Any interested person may petition the Department for a hearing to establish a drilling unit or units for the production of oil and gas or either of them for each pool to which the interested person owns some portion of the oil and gas. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5433)

2) The petition for hearing to establish a drilling unit or units shall contain the following:

- A) The name and address of the petitioner;
- B) A description of the drilling unit or units sought to be established;
- C) A description of the pool to which the drilling unit or units are sought to be established;
- D) A list of the names and addresses of all owners of oil or gas interests in the pool;
- E) An isopachous map of the pool;
- F) A plat showing all oil and gas or water injection or storage wells completed within the pool;
- G) A statement of the reasons supporting the proposed size of the drilling unit or units.

3) If the establishment of a drilling unit or units would require the integration of separately owned interests in the drilling unit or units, the petitioner may contemporaneously file a petition under Section 240.132 and the matters shall then be consolidated and heard together.

b) Execution and Filing

1) The petition to establish drilling units shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.

2) Every petition shall be signed by the petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.

c) Hearing--Notice

1) Upon the receipt of the petition to establish drilling units, the Department shall fix the time and place for a hearing.

2) The Department shall prepare a notice of hearing which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the affected lands. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting such entry of appearance in writing to the Department and that thereafter such person shall be deemed a party of record in the proceeding.

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3) The Department shall mail such notice to the Petitioner who shall then serve such notice in the following manner:

A) By mailing such notice by certified mail, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and

B) By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.

4) Whenever the Department shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect such person's rights or property, the Department shall cause notice to be sent to such person, as provided in this subsection.

d) Pre-Hearing Conferences

1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:

- A) Simplify the factual and legal issues presented by the hearing request;
- B) Receive stipulations, admissions of fact and the contents and authenticity of documents;
- C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

e) Hearing

1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
- B) To receive relevant evidence;
- C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- D) To consider and rule upon procedural requests;
- E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- F) To require the production of documents or subpoena the

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appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record.

2) Every person desiring to participate in the hearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record.

3) All participants in the hearing shall have the right to be represented by counsel.

4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit such information as is necessary to reach a decision on the petition.

6) Where applicable, the following shall be addressed prior to receiving evidence:

A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

B) Ruling may be made on any pending motions.

C) Any other preliminary matters appropriate for disposition prior to presentation of evidence.

f) Evidence

1) Admissibility: A party shall be entitled to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives

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may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.

4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

g) Record of proceedings: Testimony

The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department as such and included in the record.

h) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

i) Default

If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the parties' control.

j) Order

1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representative, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.

2) The order shall grant the petition based on the record if the Hearing Officer finds that establishing the drilling unit will prevent waste, protect the correlative rights of the owners in the pools, and prevent the unnecessary drilling of wells.

3) No drilling unit shall be established which requires the

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allocation of more than 40 acres of surface area nor less than 10 acres of surface area to an individual well for production of oil from a pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) provided, however, that the Department may permit the allocation of greater acreage to an individual well and provided further that the spacing of wells in any pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) shall not include the fixing of a pattern except with respect to the 2 nearest external boundary lines of each drilling unit. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5433.)

4) The drilling units established by an order under this Section shall be of approximately uniform size and shape for each entire pool, except that where circumstances reasonably require, the Department may grant exceptions to the size or shape of any drilling unit or units, in which case the order shall state the particular circumstances that require such exception.

5) Each order establishing drilling units shall specify the size and shape of the unit, which shall be such as will result in the efficient and economical development of the pool as a whole, and subject to the provisions of subsection (3) above, the size of no drilling unit shall be smaller than the maximum area that can be efficiently and economically drained by one well.

6) Each order establishing drilling units for a pool shall cover all lands determined or believed to be underlain by such pool. Each order establishing drilling units may be modified by the Department to change the size thereof, or to permit the drilling of additional wells.

7) Each order establishing drilling units shall prohibit the drilling of more than one well on any drilling unit for the production of oil or gas from the particular pool with respect to which the drilling unit is established and subject to the provisions of subsection (3) above shall specify the location for the drilling of such well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the application. If the Department finds, after notice and hearing, notice being made as provided in this Section to all parties of record in the proceeding, that surface conditions would substantially add to the burden or hazard of drilling such well at the specified location, or for some other reason it would be inequitable or unreasonable to require a well to be drilled at a location other than that specified in the order establishing drilling units.

8) After the date of the notice for a hearing called to establish drilling units, no additional well shall be commenced for production from the pool until the order establishing drilling units has been issued unless the commencement of the well is authorized by order of the Department.

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9) After an order establishing a drilling unit or units has been issued by the Department, the commencement of drilling of any well or wells into the pool with regard to which such unit was established for the purpose of producing oil or gas therefrom, at a location other than that authorized by the order, or by order granting exception to the original spacing order is hereby prohibited. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5433.)

k) Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Added at 17 Ill. Reg. 2217, effective February 8, 1993.)

Section 240.160 Director's Decision

a) Upon receipt of a notice of violation, the Director of the Department, or his designee, shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation the Director shall consider:

1) the person's or permittee's history of previous violations, including violations at other locations and under other permits;

A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 240.180 or if the time to request such review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;

B) No violation for which the notice or order has been vacated shall be counted;

2) the seriousness of the violation, including any irreparable harm to the environment or damage to property;

3) the degree of culpability of the person or permittee; and

4) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee.

b) Modification of the notice of violation may include:

1) any different or additional remedial actions necessary to abate the violation, as set forth in Section 240.150(b)(2), and the time within which the violation must be abated;

2) the assessment of civil penalties not to exceed \$1,000.00 a day for each and every act of violation;

3) probationary or permanent modification or conditions on the permit which may include special monitoring or reporting requirements; and

4) revocation of the permit. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413.)

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c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a) above. If a penalty is assessed by the Department, the penalty shall be computed as follows:

- 1) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department, the failure to submit information required by the Department pursuant to file reviews and the failure to post lease signs, shall be assessed on an permittee-specific basis. The Department may assess up to \$250.00 for an administrative violation as follows:-

A) History of Violations:

- i) No previous violation of the same rule: add \$25.00.
- ii) One previous violation of the same rule: add \$50.00.
- iii) Two previous violations of the same rule: add \$100.00.
- iv) Three or more previous violations of the same rule: add \$150.00.

B) Permittee's Actions:

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.00.

- ii) If the permittee abated the violation within the specified time frame: subtract \$200.00.

- iii) If the permittee either substantially abated the violation within the specified time frame or, if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline: subtract \$100.00.

- 2) Operating violations, including, but not limited to, pressure on the annulus, the failure to maintain the well and flow line in a leak-free condition, the failure to maintain lined pits, the failure to configure the wellhead for the inspection of annulus, the failure to comply with specified permit conditions and the failure to maintain required performance bond in force for the wells under permit, shall be assessed on a permittee-specific basis. ~~The Department may assess up to \$500.00 for an operating violation. Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations. The Department may assess up to \$500.00 for an operating violation as follows:~~

A) History of Violations:

- i) No previous violation of the same rule: add \$50.00.
- ii) One previous violation of the same rule: add \$100.00.
- iii) Two or more previous violations of the same rule: add \$150.00.

B) Seriousness:

- i) If the violation caused environmental damage to surface water, ground water or wildlife: add \$200.00.
- ii) If the violation created a hazard to the safety of any

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- i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$50.00; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$100.00; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$200.00.
- ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$200.00.

C) Permittee's Actions:

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.00.

- ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$50.00; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$200.00.

- iii) If the permittee abated the violation within the specified time frame: subtract \$250.00.

- iv) If the permittee either substantially abated the violation within the specified time frame, or, if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline: subtract \$100.00.

- 3) Drilling or operating without a permit from the Department a well required to be permitted under the Act without first obtaining a permit from the Department, operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority or operating an annular or casing injection/disposal well shall result in the assessment of up to a \$1,000.00 penalty for each and every such violation. ~~The Department may assess the \$1,000.00 penalty for each-day that these violations remained unabated. Assessments for these violations are computed as follows:~~

A) History of Violations:

- i) No previous violation of the same rule: add \$100.00.
- ii) One or more previous violation of the same rule: add \$500.00.

B) Seriousness:

- i) If the violation caused environmental damage to surface water, ground water or wildlife: add \$200.00.
- ii) If the violation created a hazard to the safety of any

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person, such as the emission of hydrogen sulfide gas: add \$200.00.

C) Permittee's Action:

- i) If the violation occurred as a result of the permittee's lack of reasonable care: add \$100.00; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$500.00.
- ii) If the permittee abated the violation within the specified time frame: subtract \$250.00.
- iii) If all corrective actions were not completed, yet the permittee requested and received an extension of the abatement deadline: subtract \$100.00.

d) Any responsible person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5413)

e) The Director or his designee shall serve the person or permittee with his decision at the conclusion of his investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be considered served when mailed certified mail, return receipt requested, to the person or permittee at his last known address. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5413)

f) A Director's decision not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.

g) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days of service of the Director's decision.

h) All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5413)

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.170 Cessation Order

- a) The Department may issue orders requiring the cessation of operations, including the plugging of a well, for either of the following reasons:
- 1) If, at the expiration of the period of time originally fixed in the Director's decision or at the expiration of any subsequent

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extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order the cessation of operations or the portions thereof relevant to the violation. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5413)

- 2) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or the rules adopted thereunder or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5426) Drilling or operating without a permit from the Department a well required to be permitted under the Act, operating an annular or casing injection/disposal well, operating a well in violation of the Department's spacing requirements, operating wells without paying the annual well fees or operating wells without maintaining the required amount of performance bond in force, constitute conditions, practices or violations mandating the issuance of a cessation order under this subsection.

b) If a responsible party cannot be readily located in the judgment of the employee or agent issuing the cessation order, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5426)

c) The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5426)

d) The cessation order shall provide that the person or permittee named in the order has the right to request a hearing in accordance with Section 240.180. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed certified mail, return receipt requested, to the person or permittee at his last known address.

e) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. (Ill. Rev. Stat. 1980 1991 Supp., ch. 96 1/2, par. 5413) The filing of a request for a hearing under Section 240.180 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.

f) A cessation order not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act.

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(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.180 Enforcement Hearings

- a) A person or permittee shall have 30 days from the date of service of the Director's decision or of the cessation order to request a hearing. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413) Except as provided in subsection (b) below, a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department together with a timely request for hearing. The assessed amount shall be held in an interest-bearing escrow account pending the outcome of the hearing. The assessed amount together with any interest, shall be returned to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson Street, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140.
- b) If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty into escrow in order to contest either the amount of the penalty or the fact of the violation.
- c) Upon receipt of a request for hearing submitted in accordance with subsections (a) or (b), the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413) The hearing shall be conducted by a hearing officer under contract with the Department and shall be conducted in accordance with the following procedures:
- 1) A pre-hearing conference shall be scheduled within 30 days of the request for hearing:
 - A) to define the factual and legal issues to be litigated at the administrative hearing;
 - B) to determine the timing and scope of discovery available to the parties;
 - B)(C) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each such witness;
 - E)(D) to schedule a date for the administrative hearing; and
 - B)(E) to arrive at an equitable settlement of the hearing request, if possible.
 - B)(F) pre-hearing conferences under this Section may be conducted via telephone conference if such procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted the place designated by the hearing officer.

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- G) Either party may file motions for default judgment, motions for summary judgment, motions for protective orders and motions for orders compelling discovery. The Department's hearing officer shall render an order granting or denying such motions filed within fifteen (15) days of service. Any order granting a motion for default judgment or a motion for summary judgment shall constitute the Department's final administrative decision as to the Director's Decision or Cessation order being contested.
- 2) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of violation or cessation order was issued will be deemed to have waived all right to further review of the violation or civil penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the hearing officer and shall constitute the Department's final administrative decision as to the Director's Decision or Cessation order being contested.
- 3) All hearings under this Section shall be conducted in accordance with Sections 197-117-127-14-and-15 10-25, 10-35, 10-40, 10-50 and 10-60 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987 1991, ch. 127, pars. 10107-10117-10127-10134-and-1015 1010-25, 1010-35, 1010-40, 1010-50 and 1010-60). All hearings under this Section shall be conducted in the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield, Illinois, to the production and/or injection/disposal well identified in the Director's decision or cessation order being contested if facilities are available and convenient satisfactory to the Department.
- 4) At the hearing the Department shall have the burden of proving the facts of the violation alleged in the notice of violation or cessation order at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the hearing officer if the person or permittee believes the hearing officer is prejudiced against him or has a conflict of interest. If the hearing officer disqualifies himself, the Director shall designate a new hearing officer. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.
- 5) The Director shall review the administrative record in a contested case, in conjunction with the hearing officer's

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recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

- d) The person or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the Director's decision or the cessation order, including the amount of any civil penalty assessed. Within 30 days of the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.190 Temporary Relief.

- a) Pending the holding of a hearing or entry of a final administrative decision relating to a cessation order issued under Section 240.170, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413) The person or permittee shall serve the request for temporary relief within 14 days of service of the cessation order.

- b) The Department shall commence a hearing within 5 days after receipt of a timely request for temporary relief and may grant such relief, under such conditions as it may prescribe, if the person or permittee requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him and such relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5426)

- c) All hearings under this Section shall be conducted in accordance with Sections 107-117-127-14-and-15 10-25, 10-35, 10-40, 10-50 and 10-60 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois.

- d) The Department's hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days of the close of the administrative record, pursuant to Section 10 of the Act.

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.195 Subpoenas

- a) Any party to proceedings brought under Sections 240.130, 240.131,

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240.132, 240.133 240.180 and 240.190 of the Department's rules may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.

- b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.

- c) The hearing officer shall issue subpoenas within 7 calendar days from receipts of a request made in accordance with subsection (b) above and deliver the subpoena to the Petitioner who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge, if payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Service of a subpoena may be proved prima facie by a return receipt signed by the witness or his authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a check or money order for the fee and mileage enclosed.

- d) Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting such relief.

- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from receipt of the motion.

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

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- 1) Heading of the Part: Aid To Families With Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: Adopted Action:
112.330 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)
- 5) Effective Date of Amendments: February 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 15, 1993
- 9) Notice of Proposal Published in Illinois Register:
October 9, 1992 (16 Ill. Reg. 15277)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: Based on comments received from the Legal Assistance Foundation of Chicago, in Section 112.330(b)(3), the phrase "Standard of Need" was changed to "poverty line." No other substantive changes were made to the text of the amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.127	Amendment	December 18, 1992 (16 Ill. Reg. 19642)
112.153	Amendment	December 4, 1992 (16 Ill. Reg. 18216)
112.250	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.252	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.253	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.254	Amendment	January 4, 1993 (17 Ill. Reg. 46)

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- 15) Summary and Purpose of Amendments: This rule change conforms agency policy to federal requirements. Families cancelled for increased earnings or increased hours of employment will now receive a six month medical extension. Eligibility may exist for a further extension, beyond the six month period, to a maximum of twelve months. Eligibility for this additional extension period is determined based on the completion and submittal of report forms by the client and a determination of eligibility based on level of earnings.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section

112.70 Participation Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Initial Assessment Process/Development of an Employability Plan
112.76 Project Chance Orientation
112.77 Conciliation and Fair Hearings
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81 Responsible Relative Eligibility For Project Chance

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112.82 Project Chance Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earnmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees

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112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
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 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

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 Payment Levels in AFDC Group I Counties
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Persons Who May Be Included in the Assistance Unit
 Presumptive Eligibility
 Monthly Reporting
 Retrospective Budgeting
 Budgeting Schedule
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 Foster Care Program
 Responsibility of Sponsors of Aliens
 Special Needs Authorizations
 Institutional Status
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 Redetermination of Eligibility
 Twelve-Month Extension of Medical Assistance Due to Increased Income from Employment

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112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section
 112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
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SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
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 112.408 Qualified Child Care Providers
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 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40,

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p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January

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1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; effective at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 reclassified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12850, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 reclassified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E reclassified to SUBPARTS G, H

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and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART I: OTHER PROVISIONS

Section 112.330 Twelve-Month-Extension of Medical Assistance Due to Increased Income from Employment

- a) A twelve-~~four~~six (6) month extension of medical assistance shall be provided for AFDC cases when AFDC assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the AFDC case's first month of ineligibility. Ineligibility may result from initial or increased earnings.

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Section 112.330 (continued)

- b) The initial six (6) month medical assistance period can be extended for a total of six (6) additional months. Eligibility for an extension beyond the initial six (6) month period shall exist if:
- 1) the Medical Extension Report Forms are returned by the due date;
 - 2) an eligible child is still in the home;
 - 3) the client's earnings from the past three (3) months minus child care costs are less than 185% of the poverty line; and
 - 4) the client has not quit employment without good cause.

(Source: Amended at 17 Ill. Reg. 2253, effective February 15, 1993)

- 1) Heading of the Part: Aid To The Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Adopted Action:
113.154 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)
- 5) Effective Date of Amendments: February 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 15, 1993
- 9) Notice of Proposal Published in Illinois Register:
October 2, 1992 (16 Ill. Reg. 14999)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.253	Amendment	January 22, 1993 (17 Ill. Reg. 702)
113.260	Amendment	January 22, 1993 (17 Ill. Reg. 702)
113.309	New Section	November 20, 1992 (16 Ill. Reg. 17457)
113.330	New Section	September 25, 1992 (16 Ill. Reg. 14533)
113.410	Amendment	September 25, 1992 (16 Ill. Reg. 14533)
113.425	Amendment	November 6, 1992 (16 Ill. Reg. 17047)
113.430	Amendment	November 6, 1992 (16 Ill. Reg. 17047)
113.450	New Section	November 20, 1992 (16 Ill. Reg. 17457)

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- 15) Summary and Purpose of Amendments: This rulemaking is necessary to delete provisions regarding the transfer of assets for applications filed prior to October 1, 1989, for community cases. Transfer of asset policy was obsoleted with the implementation of the Medicare Catastrophic Coverage Act of 1988. Transfer of asset provisions applies only to transfers by residents of long term care facilities and transfers by their spouses living in the community. Regardless of the reason for the transfer, eligibility of individuals residing in the community is not affected because of a transfer of assets.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees

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113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses

113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services

113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989
113.155 Property Transfers For Applications Filed On Or After October 1, 1989
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

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SUBPART E: OTHER PROVISIONS

Persons Who May Be Included In the Assistance Unit

- Grandfathered Cases
- Interim Assistance (Repealed)
- Special Needs Authorizations
- Retrospective Budgeting
- Budgeting Schedule
- Purchase and Repair of Household Furniture (Repealed)
- Property Repairs and Maintenance
- Excess Shelter Allowance
- Limitation on Amount of AABD Assistance to Recipients from Other States
- Redetermination of Eligibility
- Attorney's Fees for VA Appellants

SUBPART F: INTERIM ASSISTANCE

Description of the Interim Assistance Program

- Pending SSI Application
- More Likely Than Not Eligible for SSI
- Non-Financial Factors of Eligibility
- Financial Factors of Eligibility
- Payment Levels for Chicago Interim Assistance Cases
- Payment Levels for all Interim Assistance Cases Outside Chicago
- Medical Eligibility
- Attorney's Fees for SSI Applicants
- Advocacy Program for Persons Receiving Interim Assistance
- Limitation on Amount of Interim Assistance to Recipients from Other States
- Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, P. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, P. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, P. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, P. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, P. 41, effective April 9, 1979, for a maximum of 150 days;

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emergency amendment at 3 Ill. Reg. 28, P. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, P. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, P. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, P. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, P. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective

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December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12,

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1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)

The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.

- a) A transfer of assets occurs when an applicant or recipient buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- b) A transfer is allowable if:
 - 1) the transfer occurred more than two years from the date of review;
 - 2) a fair market value was received. Fair market value is the price that an astute or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
 - 3) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
 - 4) the transfer was due to separation, divorce or other settlement (e.g., when the court orders a settlement of a client's assets-

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Section 113.154(b)(4) (continued)

or when the client and the client's spouse divide their assets in half without a court order}

5) the transfer was a change from an individual to joint bank account

6) the transfer was of exempt assets

7) the transfer was an equal division of marital assets.

e) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:

1) the asset is returned, or

2) a fair market value is paid to the client, or

3) the period of time the asset would meet the client's needs has passed, or

4) two years has passed.

d) If a client transfers an asset which is not allowable, the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

e) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to two (2) years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the client's unmet need based on the AABD Assistance Standard plus incurred medical expenses. However, Shelter Care payments are allowed at the private pay rate.)

1) For applicants, the first month of ineligibility is the month of application.

2) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Repealed at 17 Ill. Reg. 2263, effective February 15, 1993)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Numbers: Adopted Action:
160.85 New Section

4) Statutory Authority: Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13]

5) Effective Date of Amendments: February 11, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 11, 1992

9) Notice of Proposal Published in Illinois Register:

June 12, 1992 (16 Ill. Reg. 8892)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No substantive changes have been made in the text of new Section 160.85 between the proposal and the final version. The proposed addition of Section 160.77 was deleted from the amendments. This proposed new Section, which was intended to implement Section 10-17.6 of the Illinois Public Aid Code which was added by Public Act 87-412 (House Bill 2486), provided for reporting information concerning past due support to State licensing agencies. The Department determined that changes in the proposed provisions were required and will propose a revised version of these provisions in the near future.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments:

The Department is adopting an addition to its rules governing child support enforcement. New Section 160.85 defines the efforts which the

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Department takes to serve process when necessary to establish, modify, or enforce support. This new Section is required by the federal Family Support Act and final federal regulations (45 CFR 303.3(c) adopted at 54 FR 32310). The federal law requires establishment of guidelines defining efforts to serve process in connection with child support enforcement. Although service of process is normally required only in the establishment phase of a support case, the court has discretion to require that summons be served in post-judgment proceedings. Section 160.85 will apply in all situations in which service of process is required.

Proposed new Section 160.77, which was proposed in the same notice as Section 160.85, was deleted from this rulemaking. This proposed new Section, which was intended to implement Section 10-17.6 of the Illinois Public Aid Code which was added by Public Act 87-412 (House Bill 2486), provided for reporting information concerning past due support to State licensing agencies. The Department determined that changes in the proposed provisions were required and will propose a revised version of these provisions in the near future.

The Department does not believe that these amendments will have any significant fiscal impact.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Kenneth E. Mitchell
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section
160.1
160.5
160.10
160.20

Incorporation By Reference
Definitions
Child Support Enforcement Program
Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30
160.35
160.40
160.45

Cooperation With Support Enforcement Program
Good Cause For Failure to Cooperate With Support Enforcement
Proof of Good Cause For Failure to Cooperate With Support Enforcement
Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60
160.65

Establishment of Support Obligations
Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70
160.75
160.80
160.85

Enforcement of Support Orders
Withholding of Income to Secure Payment of Support
Amnesty - 20% Charge
Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90

Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.100

Distribution Of Child Support For AFDC Recipients

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- 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
- 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
- 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
- 160.132 Distribution Of Child Support for Non-AFDC Clients
- 160.134 Distribution Of Child Support For Interstate Cases
- 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
- 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13]

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 16 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.85 Diligent Efforts to Serve Process

The Department shall make diligent efforts to serve process upon a responsible relative when necessary to establish, modify or enforce support under Sections 160.60, 160.65 and 160.70, as follows:

a) The Department shall obtain information concerning:

- 1) the responsible relative's whereabouts, including without limitation:

- A) the relative's home address;
- B) the address of the relative's employer;
- C) the addresses of family and friends who might know of the relative's whereabouts; or
- D) places frequented by the relative; and

- 2) the responsible relative's identification, including without limitation:

- A) the relative's Social Security Number; or
- B) the relative's physical description;

- b) The Department shall furnish such information to the Sheriff or other process server; and

- c) When sufficient whereabouts and identification information for service continue to exist, the Department shall cause an alias summons to issue;

- 1) as soon as practicable after the first "not found" return; and
- 2) anytime new information is obtained; and
- 3) six months after each "not found" return, until service is effected.

(Added at 17 Ill. Reg. 2272, effective February 11, 1993)

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1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Adopted Action:

114.270 Repeal
114.420 Amendment
114.430 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13)

5) Effective Date of Amendments: February 15, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 15, 1993

9) Notice of Proposal Published in Illinois Register:

89 Ill. Adm. Code 114.270 and 114.420

October 2, 1992 (16 Ill. Reg. 15008)

89 Ill. Adm. Code 114.430

October 9, 1992 (16 Ill. Reg. 15287)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

89 Ill. Adm. Code 114.270 and 114.420

No substantive changes were made to the text of the amendments.

89 Ill. Adm. Code 114.430

Based on comments received from the Legal Assistance Foundation of Chicago, in Section 114.430 (b)(3), the phrase "Standard of Need" was changed to "poverty line." No other substantive changes were made to the text of the amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
114.120	Amendment	October 16, 1992 (16 Ill. Reg. 15810)
114.121	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.124	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.125	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.126	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.127	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.128	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.129	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.130	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.135	Repeal	October 16, 1992 (16 Ill. Reg. 15810)
114.223	Amendment	December 18, 1992 (16 Ill. Reg. 19654)
114.252	Amendment	December 4, 1992 (16 Ill. Reg. 18226)
114.406	New Section	November 20, 1992 (16 Ill. Reg. 17459)
114.440	New Section	September 25, 1992 (16 Ill. Reg. 14538)

15) Summary and Purpose of Amendments:

89 Ill. Adm. Code 114.270

This rulemaking is necessary to delete provisions regarding the transfer of assets for applications filed prior to October 1, 1989. Transfer of asset policy was obsoleted with the implementation of the Medicare Catastrophic Coverage Act of 1988. Regardless of the reason for the transfer, eligibility is not affected because of a transfer of assets.

89 Ill. Adm. Code 114.420

This rulemaking changes the redetermination of eligibility schedule due to the elimination of the Transitional Assistance Program for employables. All General Assistance cases will now be redetermined every five months regardless of Project Chance status.

89 Ill. Adm. Code 114.430

This rule change aligns the General Assistance medical extension provisions with the changes being made in the AFDC program. The AFDC changes are being made to conform to federal law.

Families cancelled for increased earnings or increased hours of employment will now receive a six month medical extension. Eligibility may exist for a further extension, beyond the six month period, to a maximum of twelve months. Eligibility for this additional extension period is determined

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based on the completion and submittal of report forms by the client and a determination of eligibility based on level of earnings.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section
114.1
114.2
114.5

Description of the Assistance Program
Determination of Not Employable
Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
114.9
114.10
114.20
114.30
114.40
114.50
114.52
114.60
114.61

Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Social Security Numbers
Work Registration Requirements (Outside City of Chicago only)
Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
Job Service Registration (Outside City of Chicago only)
Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
Responsibility to Seek Employment (Outside City of Chicago only)
Initial Employment Expenses (Outside City of Chicago only)
Downstate General Assistance Work and Training Programs
Pilot Project
Project Chance Participation/Cooperation Requirements (Renumbered)
General Assistance Jobs Program (Repealed)

114.64
114.70
114.80
114.85
114.90
114.100

SUBPART C: PROJECT ADVANCE

Section
114.108
114.109
114.110
114.111
114.113
114.115
114.117

Project Advance
Project Advance Participation Requirements of Adjudicated Fathers
Project Advance Cooperation Requirements of Adjudicated Fathers
Project Advance Sanctions
Project Advance Good Cause for Failure to Comply
Individuals Exempt From Project Advance
Project Advance Supportive Services

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SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section	
114.120	Employment and Training Requirements
EMERGENCY	
114.121	Persons Required to Participate in Project Chance (Repealed)
EMERGENCY	
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.123	Employment and Training Participation/Cooperation Requirements (Repealed)
EMERGENCY	
114.124	Employment and Training Program Orientation (Repealed)
EMERGENCY	
114.125	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
EMERGENCY	
114.126	Employment and Training Program Components (Repealed)
EMERGENCY	
114.127	Employment and Training Sanctions (Repealed)
EMERGENCY	
114.128	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
EMERGENCY	
114.129	Employment and Training Supportive Services (Repealed)
EMERGENCY	
114.130	Conciliation and Fair Hearings (Repealed)
EMERGENCY	
114.135	Employment Child Care (Repealed)
EMERGENCY	
114.140	

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
	Initial Receipt of Unearned Income
114.203	Termination of Unearned Income
114.204	Exempt Unearned Income
114.210	Education Benefits
114.220	Unearned Income In-Kind
114.221	Earmarked Income
114.222	Lump Sum Payments
114.223	Protected Income
114.224	Earned Income
114.225	Budgeting Earned Income
114.226	

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114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.406	Limitation on Amount of General Assistance to Recipients from Other States
EMERGENCY	
114.420	Redetermination of Eligibility
114.430	Twelve-Month Extension of Medical Assistance Due to Increased Income From Employment
114.440	Attorney's Fees for VA Appellants
EMERGENCY	

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SUBPART H: CHILD CARE

Section
114.450 Child Care
114.452 Child Care Eligibility
114.454 Qualified Provider
114.456 Notification of Available Services
114.458 Participant Rights and Responsibilities
114.462 Additional Service to Secure or Maintain Child Care Arrangements
114.464 Rates of Payment for Child Care
114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section
114.500 Transitional Child Care Eligibility
114.504 Duration of Eligibility for Transitional Child Care
114.506 Loss of Eligibility for Transitional Child Care
114.508 Qualified Provider
114.510 Notification of Available Services
114.512 Participant Rights and Responsibilities
114.514 Child Care Overpayments and Recoveries
114.516 Fees for Service for Transitional Child Care
114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July

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8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16552, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg.

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15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10881, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1989; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg.

13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993.

NOTE: CAPITALIZATION-DENOTES STATUTORY LANGUAGE

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.270 Property Transfers (Repealed)

- a) ~~The provisions of the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer or to applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.~~
- b) ~~The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.~~
 - 1) ~~A transfer of assets occurs when an applicant or recipient buys, sells or gives away real or personal property or changes (e.g., changes from joint tenancy to tenancy in common) the way property is held.~~
 - 2) ~~A transfer is allowable if:~~
 - A) ~~the transfer occurred more than two years from the date of review~~
 - B) ~~a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values.~~
 - C) ~~the transfer was involuntary (e.g., tax sales, judgment sales, etc.).~~

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Section 114.270(b)(2) (continued)

- D) the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
- E) the transfer was a change from an individual to joint bank account;
- F) the transfer was of exempt assets;
- G) the transfer was an equal division of marital assets;
- 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:
- A) the asset is returned; or
- B) a fair market value is paid to the client; or
- C) the period of time the asset would meet the client's needs has passed; or
- D) two years has passed.

e) If a client transfers an asset which is not allowable, the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).

d) Length of Ineligibility

1) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the GA Standard of Need plus incurred medical expenses.)

2) For applicants, the first month of ineligibility is the month of application.

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Section 114.270(d) (continued)

- 2) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.
(Source: Repealed at 17 Ill. Reg. 2277, effective February 15, 1993)

SUBPART G: OTHER PROVISIONS

Section 114.420 Redetermination of Eligibility

- a) For Family Children and Family Children Assistance cases and Transitional Assistance cases, outside the City of Chicago, a redetermination of eligibility shall be conducted every five months.
- b) For Child and Family Assistance cases in the City of Chicago, a redetermination of eligibility shall be conducted every five months unless a person(s) included in the case is participating in Project Change. For such cases participating in Project Change, a redetermination shall be conducted every ten months.

e) Transitional Assistance cases in the City of Chicago shall be redetermined as follows:

1) For cases in which the individual has been determined to be not employable, a redetermination shall be completed at least every five months.

2) For cases receiving GA on July 1, 1991, and participating in Project Change during the fiscal year beginning July 1, 1991, a redetermination shall be completed every ten months.

4b) For all cases, when information is received which indicates a change in eligibility or amount of assistance or change of address, a review of eligibility will be conducted within 30 days.

(Source: Amended at 17 Ill. Reg. 2277, effective February 15, 1993)

Section 114.430 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

- a) A twelve (12) six (6) month extension of medical assistance (i.e., full Medicaid benefits) shall be provided for General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment.

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Section 114.430(a) (continued)

This extension shall begin with the General Assistance case's first month of ineligibility. Ineligibility may result from initial or increased earnings.

b) The initial six (6) month medical assistance period can be extended for a total of six (6) additional months. Eligibility for an extension beyond the initial six (6) month period shall exist if:

- 1) the Medical Extension Report Forms are returned by the due date;
- 2) an eligible child is still in the home;
- 3) the client's earnings from the past three (3) months minus child care costs are less than 185% of the AFDC poverty line; and
- 4) the client has not quit employment without good cause.

(Source: Amended at 17 Ill. Reg. 2277, effective February 15, 1993)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? Yes

A) Statement of Objection: January 29, 1993 (17 Ill. Reg. 1241)

B) Agency Response: The agency response is being published elsewhere in this issue of the Illinois Register (17 Ill. Reg. 2436).

C) Date Agency Response Submitted to JCAR: February 3, 1993

11) Differences between proposal and final version: There are no differences between the proposed and final versions of this rule.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.12	Amendment	November 6, 1992 (16 Ill. Reg. 17049)
140.19	Amendment	January 8, 1993 (17 Ill. Reg. 62)
140.80	New Section	October 2, 1992 (16 Ill. Reg. 15019)

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Sections	Proposed Action	Illinois Register Citation
140.82	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.84	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.94	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.95	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.485	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.488	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.492	Amendment	September 4, 1992 (16 Ill. Reg. 13397)
140.511	Amendment	November 27, 1992 (16 Ill. Reg. 17461)
140.539	Amendment	December 18, 1992 (16 Ill. Reg. 19665)
140.642	Amendment	November 30, 1992 (16 Ill. Reg. 17956)
140.648	Amendment	November 13, 1992 (16 Ill. Reg. 17209)
140.TABLE K	Amendment	October 9, 1992 (16 Ill. Reg. 15296)

15) Summary and Purpose of Amendments: These amendments authorize the Department, rather than the provider, to determine taxicab reimbursement rates in non-regulated areas. Under current rules, providers set their own rates simply by notifying the Department of their rates. In some areas of the State, this has resulted in unreasonably high rates. In addition, the amendments clarify that the Department does not provide separate reimbursement for oxygen when billed in conjunction with Advanced Life Support services.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under GA

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Covered Medical Services Under GA

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Medical Services Not Covered

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Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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140.24	Payment Procedures	140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.25	Overpayment or Underpayment of Claims	140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.26	Payment to Factors Prohibited	140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.27	Assignment of Vendor Payments	140.350	Copayments (Recodified)
140.28	Record Requirements for Medical Providers	140.360	Payment Methodology (Recodified)
140.30	Audits	140.361	Non-Participating Hospitals (Recodified)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3-1 et seq.] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3-1 et seq., 5/4-1 et seq., 5/5-1 et seq., 5/6-1 et seq., 5/7-1 et seq. and 5/12-13]

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677,

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1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140-569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.492 Payment for Medical Transportation

Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare charge level, where applicable, or the rates charged to the general public.

- a) Medicars shall be paid a base rate, mileage rate and a fixed amount for nonroutine services (e.g., an additional attendant). Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.
- b) Service cars shall be paid a base rate and a mileage rate. Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.
- c) Private autos shall be paid for loaded miles at a mileage rate.
- d) Payment for transportation services provided by common carrier, (e.g., taxicabs, air lines, buses, trains) shall be at the usual community rate. Taxicabs shall be reimbursed at the community rate, if in an area regulated by a municipality or township. Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department. This rate will be effective July 1, 1992 and will be reviewed on an annual basis each July.
- e) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Base rate, loaded miles, oxygen, and Advanced Life Support services when required. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (1) through (4) below. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, oxygen, supplies, and all other services, excluding mileage. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (e)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

- 1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's

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Section 140.492(e)(1) (continued)

usual and customary charge to the general public (as reflected on the provider's claim form), or 80% of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department which exceeds these parameters shall remain in force. The rate of annual increase shall not exceed 5%.

- 2) Payment for loaded miles, i.e., those miles for which the provider is actually transporting an individual, shall be at a rate per mile. The rate per mile shall be 50% of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed 5%.
- 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50% of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed 5%.
- 4) Payment for Advanced Life Support services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80% of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed 5%.
- f) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives, or household members will be made at a loaded mileage rate.

(Source: Amended at 17 Ill. Reg. 2290, effective February 15, 1993)

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1) The Heading of the Part:

College Immunization Code

2) Code Citation:

77 Ill. Adm. Code 694

3) Section Numbers:

694.20

694.100

694.110

694.120

694. Appendix A

694. Appendix B

Adopted Action:

Amendment

Amendment

Amendment

Amendment

Repealed

Repealed

4) Statutory Authority:

The College Student Immunization Act (Ill. Rev. Stat. 1991, ch. 144, par. 2600 et seq.)

5) Effective Date of Amendments: February 11, 19936) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporations by Reference? No8) Date Filed in Agency's Principal Office: February 11, 19939) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 13414 - September 4, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No11) Difference Between Proposal and Final Version:

Various technical and grammatical corrections have been made at the suggestion of the Administrative Code Division or the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

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Yes

13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments:

The amendments modify the Tetanus-Diphtheria (Td) and Mumps proof of immunity requirements and repeal Appendix A (Certificate of Immunity) and Appendix B (Summary Report of the Immunization Status of College/University Students). The rulemaking reduces, for most students, the Tetanus-Diphtheria (Td) requirement from three doses to one dose, and allows proof of immunity to mumps through laboratory testing. Appendices A and B are repealed and the forms that were contained in the Appendices will be made available to post-secondary institutions by the Department.

16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 694

COLLEGE IMMUNIZATION CODE

SUBPART A: GENERAL PROVISIONS

Section
694.10 Purpose
694.20 Definitions

SUBPART B: IMMUNIZATION REQUIREMENTS

Section
694.100 Proof of Immunity
694.110 Record Keeping **Recordkeeping**
694.120 Completion and Submission of the Summary Report

SUBPART C: EXEMPTIONS

Section
694.200 Medical Exemption
694.210 Religious Exemption
694.220 Classification Exemption

APPENDIX A Certificate of Immunity Form (Repealed)

APPENDIX B Summary Report of the Immunization Status of College/University Students (Repealed)

APPENDIX C Required Elements of Health Record

AUTHORITY: Implementing and authorized by the College Student Immunization Act (Ill. Rev. Stat. 1991, ch. 144, par. 2601 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 1609, effective January 19, 1990; emergency amendment at 14 Ill. Reg. 5882, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14551, effective August 27, 1990; amended at 16 Ill. Reg. 5916, effective March 31, 1992; amended at 17 Ill. Reg. 2306 effective February 11, 1993.

Section 694.20 Definitions

"Act" means the College Student Immunization Act "**AN-Act-concerning education-and-amending-en-Act-herein-named**" (Ill. Rev. Stat. 1991 1988, ch. 144, par. 2601 2600 et seq.).

"Certificate of immunity" means a form acceptable to a post-secondary educational institution signed by a health care provider who has

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administered an immunizing agent to a student (or has reviewed health records evidencing such administration), specifying the vaccine administered and the date of administration.

"Department" means the *Illinois Department of Public Health*. (Section 1(a) of the Act)

"Designated record keeping office" means the office designated by a post-secondary educational institution as responsible for maintaining student immunization records. In institutions with health services, that office shall be the designated office of record.

"Enroll" means the student is a bona fide member of the post-secondary educational institution's student body receiving academic credit for on-campus instruction.

"Health care provider" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.), local health authority, registered nurse employed by a school, college or university or a Department recognized vaccine provider.

"Physician" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.).

"Post-secondary educational institution" means a public or private college or university offering degrees and instruction above the high school level, and shall include, but not be limited to,

Any and all private colleges and universities; the University of Illinois; Southern Illinois University; the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities; the several regency universities and colleges under the governance of the Board of Regents; and any other public university now or hereafter established or authorized by the General Assembly.

The term shall not include any public or private junior or community college (i.e., any public or private degree-granting institution at which the highest degree offered is an associate degree or an undergraduate certificate of two years or less), or any post-secondary educational institution at which the highest award offered is a diploma or certificate of two years or less, or any institution offering degrees and instruction which utilizes correspondence as its primary mode of student instruction. (Section 1(b) of the Act)

"Proof of immunity" means evidence of appropriate immunization, physician diagnosed disease, or laboratory evidence of immunization documented in writing by a health care provider in accordance with the requirements of this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the

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basic elements listed in Appendix C, and in an outline form similar to that as prescribed on the Certificate of Immunity Form provided by the Department. (See Appendix-A.)

"Student health record" means a record containing the immunization status of a student relating to the vaccine-preventable diseases covered by this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the basic elements listed in Appendix C, and in an outline form similar to that as prescribed on the Certificate of Immunity Form provided by the Department. (See Appendix-A.)

"Summary report" means a form developed by the Department for gathering statistical information on the number of students enrolled at a post-secondary educational institution, the number with proof of immunity, the number with medical or religious exemptions, and the number otherwise without proof of immunity or such exemptions.

"Term" means any period of on-campus instruction offered by a post-secondary educational institution. Students enrolling for the first time during a special term of less than the traditional duration (Summer Session, Interim, Intersession, etc.) may be permitted to enroll in an immediate following term of traditional length before providing proof of immunity in accordance with this Part.

(Source: Amended at 17 Ill. Reg. 2306, effective February 11, 1993.)

SUBPART B: IMMUNIZATION REQUIREMENTS

Section 694.100 Proof of Immunity

a) Beginning with the Fall term, students who enroll at a post-secondary educational institution shall present to the designated record-keeping office proof of immunity evidencing the following immunizations:

- 1) Diphtheria, Tetanus
 - A) Students not considered international students, pursuant to subsection (b) below, are required to provide proof of at least one dose of Tetanus and Diphtheria (Td) vaccine having been received within 10 years of the term of current enrollment. (It is recommended that the student provide dates of at least two previous doses of any combination of Diphtheria, Tetanus, and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine.) Any combination of three or more doses of Diphtheria-Tetanus and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine, with the most recent dose having been received within 10 years prior to enrollment.
 - B) International students are required to provide dates of any

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combination of three or more doses of Diphtheria, Tetanus, and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine, with the most recent dose having been received within 10 years of the term of current enrollment.

- Cb)** The minimum time interval between the first and second dose must have been at least four weeks, with the third dose having been received at least six months after the second or last dose of the basic series.

- De)** Receipt of Tetanus Toxoid (T.T.) vaccine is not acceptable in fulfilling this requirement.

2) Measles

- A)** Students must provide Documentation of receipt of two doses of live measles virus vaccine on or after the first birthday. The minimum time interval between each dose must have been at least 30 days. If either dose was received prior to 1968, proof must be provided that a live virus vaccine, without gamma globulin, was administered.

- B)** Those students attending a post-secondary educational institution prior to the Fall 1990 term, who have had at least 1 dose of live measles virus vaccine at one year of age or older, may be considered protected and in compliance. If a student transfers to another post-secondary educational institution beginning with the Fall 1990 term, documentation of 2 doses of live measles virus vaccine shall be required.

- C)** Students who cannot provide proof of immunization may provide laboratory laboratory (serologic) evidence of measles immunity; or Aa physician's signed confirmation of disease history and date of conclusive diagnosis.

B)

- 3) Rubella**
A) Immunization with rubella vaccine on or after the first birthday; or
B) Laboratory (serologic) evidence of rubella immunity.
C) History of disease is not acceptable as proof of immunity.

4) Mumps

- A)** Immunization with live mumps vaccine on or after the first birthday; or
B) A physician's signed confirmation of disease history and date of conclusive diagnosis.
C) Laboratory (serologic) evidence of mumps is only not acceptable if the diagnostic test utilized to assess immunity is one with demonstrable reliability, including neutralization, enzyme-linked immunosorbent assay (ELISA or EIA), or radical hemolysis antibody test aa--proof--of immunity. A four-fold rise in mumps antibody titer between appropriately spaced acute and convalescent sera is also acceptable as proof of immunity;

- b)** Proof of immunity may be provided by a certificate of immunity

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containing the following information:

- 1) The month, day and year of vaccine receipt for measles, mumps, and rubella. Whole year dates (e.g., 1969) are acceptable only when it is clear that the student was at least twelve months of age when the vaccine was received.
2) The month, day and year of vaccine receipt for diphtheria and tetanus.

- c)** Proof of immunity may also be provided by one of the following:

- 1) A copy of the student's Illinois high school health record which complies with the immunization requirements of this Part;
2) In lieu of proof of immunity as defined in this Part, evidence of birth on or before January 1, 1957, such as a birth certificate, drivers license, or personal identification card issued by the Secretary of State.

- d)** Additional immunization entries made in a student health record by a post-secondary educational institution shall be based upon a certificate of immunity which complies with the requirements of this Part.

- e)** A student who enrolls at a post-secondary educational institution without providing proof of immunity shall be precluded from enrolling at that institution in a subsequent term unless the student provides proof of immunity acceptable to the designated record keeping office or is granted a medical or religious exemption by the institution.

- f)** Students shall provide proof of immunity each time they transfer to another post-secondary educational institution.

(Source: Amended at 17 Ill. Reg. 2306, effective February 11, 1993.)

Section 694.110 Record Keeping Recordkeeping

- a)** The designated record keeping office shall maintain records containing the required elements (as in Appendix C) of the immunization status of each student. The required elements shall be in accordance with the Certificate of Immunity Form provided by the Department: (Appendix-A)- The student health records shall be maintained by the post-secondary educational institution.

- b)** If an exemption has been granted for medical or religious reasons, or if laboratory evidence of immunity has been submitted, a copy of the request for exemption or the laboratory report must be kept with the student health record.

- c)** A post-secondary educational institution shall keep susceptibility lists by disease category indicating the names of all students who have not provided proof of immunity. Such lists shall be disclosed to the Department in health and safety emergencies in accordance with the Family Educational Rights and Privacy Act of 1974, Section-99-36 (20 U.S.C. 1322g) and 34 CFR 99.36 ePR-34.

(Source: Amended at 17 Ill. Reg. 2306, effective

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Section 694.120 Completion and Submission of the Summary Report

- Each post-secondary educational institution shall submit an annual summary report on forms provided by the Department (as in Appendix--B) to the Department within eight weeks after commencement of the fall term of the academic year.
- The summary report shall be signed by an official of the designated record keeping office certifying that the information provided is correct.
- In order to determine compliance with this Part, the Department, or its designated representative may audit student health records, as they relate to certification of immunity, from which personal identifiable information has been deleted in accordance with the Family Educational Rights and Privacy Act of 1974, Section--99.36 (20 U.S.C. 1232g) and 34 CFR 99.36 EPR-34.

(Source: Amended at 17 Ill. Reg. 2306, effective February 11, 1993)

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Section 694.APPENDIX A Certificate of Immunity Form (Repealed)

-Certificate of Immunity-

Part I--To be completed by student

Full Name (Print)	Age	Sex	Grade	Section Number
Home Telephone Number	Day	Evening	Weekend	

Part II--To be completed by parent/guardian

Signature of Parent/Guardian: _____ Date: _____

Signature of Student: _____ Date: _____

Part III--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part IV--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part V--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part VI--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part VII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part VIII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part IX--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part X--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XI--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XIII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XIV--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XV--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XVI--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XVII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XVIII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XIX--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XX--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXI--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXIII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXIV--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXV--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXVI--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXVII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXVIII--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXIX--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

Part XXX--To be completed by official of the institution

Signature of Official: _____ Date: _____

Official Title: _____

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MUST BE COMPLETED PRIOR TO THE STUDENT'S FIRST ENROLLMENT

Note: Illinois law requires incoming new students to document immunity to measles, rubella, mumps and tetanus/diphtheria

The following rules will apply:--

- 1: All dates must include Month, Day and Year.
- 2: Part II: Proof of immunity may be provided by a copy of the student's Certificate of Child Health Examination from an Illinois high school which provides the complete information necessary to assure compliance with the Act. The Certificate of Child Health Examination must be reviewed for compliance and attached to this form. Part III need not be completed.
- 3: Part III must be completed and signed by a health care provider*.

- 4: All laboratory evidence of immunity must be accompanied by a copy of the laboratory report.

- 5: History of disease is not acceptable as proof of immunity for rubella.

- 6: All live virus vaccines must have been given on or after the first birthday.

- 7: Mumps titer is not acceptable as proof of immunity.

- 8: Only the following exemptions will be accepted and statements must accompany this record:--
Medical--Contraindications--A written signed and dated statement from a physician stating the specific vaccine or vaccines contraindicated and duration or medical condition that contraindicates the vaccine(s);

Religious--Exemption--A written signed and dated statement by the student for parent/guardian if the student is a minor describing his/her objection to immunization on the ground that they conflict with the tenet and practices of a recognized church or religious organization of which the student is an adherent or member.

Pregnancy or suspected pregnancy--A signed statement from a physician stating the student is pregnant or pregnancy is suspected.

- 9: Anyone with a vaccine exemption may be excluded from the college/university in the event of a measles, rubella, mumps or diphtheria outbreak in accordance with public health recommendations.

- 10: All records not in English must be accompanied by a certified translation.

*Physician licensed to practice medicine in all of its branches (M.D. or D.O.); a local health authority; registered nurse employed by a school, college or university; or a department recognized vaccine provider.

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(Source: Repealed at 17 Ill. Reg. 2306, effective February 11, 1993)

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Section 694. Appendix B Summary Report of the Immunization Status of College/University Students (Repealed)

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Section 694. Appendix B Summary Report of the Immunization Status of College/University Students (Continued) (Repealed)

Illinois Department of Public Health
Division of Infectious Disease
Immunization Program

Summary Report of the Immunization Status of College/University Students

Name of College/University

Name of Designated Record Keeping Office

Telephone Number

Address

City, State, Zip Code

Instructions:

The summary report should provide the immunization status of the institution's students as of the 10th day of enrollment; the completed report must be returned directly to the Illinois Department of Public Health within 8 weeks of the beginning of the fall term of the academic year. For additional instructions, see the attachment.

Part I - Immunization Status of Students by Disease Category			
Detail of Immunization Status	Students - Enrolled	Students - Repealed	Students - Missing
A - Number of students immunized and in compliance with immunization requirements			
B - Number of students immunized but in compliance with immunization requirements (Total of A, C and D below)			
1 - Documentation of religious objection			
2 - Documentation of medical contraindication			
3 - Approved schedule from physician/clinic for completion of required dose			
C - Number of students not in compliance			
D - Summary Exemptions			
E - Total of A, B and C			
Part II - Student Enrollment and Compliance Summary			
A - Total official head count enrollment			
B - Total head count required to provide proof of immunity			
C - Total number of students currently enrolled not in compliance			
Part III - Certification			
Name of person completing report	Title	Signature - Name	Signature - Date
I certify that the foregoing information is correct and complete as submitted with this statement's receipt as of this date:			
Signature of Designated Record Keeper			Date

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part:
Illinois Health and Hazardous Substances Registry
- 2) Code Citation:
77 Ill. Adm. Code 840
- 3) Section Numbers:

840.20	Amendment
840.115	Amendment
840.210	Amendment
840.215	Amendment
840.305	Amendment
840.310	Amendment
840. Appendix B	Adopted Action:
Exhibit A	Amendment
Illustration A	Repealer
Exhibit B	New Section
Illustration B	Repealer
840. Appendix C	Amendment
Exhibit B	
- 4) Statutory Authority:
Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6701 et seq.), Section 55.31b of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.31b), the Developmental Disabilities Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 2101 et seq.), the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1301 et seq.)
- 5) Effective Date of Amendments:
February 10, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date?
No
- 7) Does this Rulemaking Contain any Incorporations by Reference?
No
- 8) Date Filed in Agency's Principal Office:
February 10, 1993
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:
16 Ill. Reg. 4329 - March 20, 1992

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- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
If Yes, Date Agency Response Submitted for Approval to JCAR:
Date Statement of Objection was Published in the Illinois Register:
Difference Between Proposal and Final Version:
The citations to the Illinois Revised Statutes in the Authority Note and in Section 840.20(a) have been updated to the 1991 edition.
In Section 849.20(b) the referenced edition of the Code of Federal Regulations has been updated to the 1990 edition.
In the first sentence of Section 840.215(d), "Appendix B, Exhibit B" has been added after "supplement".
In the second sentence of Section 840.215(d) "to the Department" has been added after "information".
Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?
All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.
- 11) Will the Amendments Replace an Emergency Rule Currently in Effect? No
Are there any other Amendments Pending on this Part? No
Summary and Purpose of Amendments:
This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.
- 12) Will the Amendments Replace an Emergency Rule Currently in Effect? No
Are there any other Amendments Pending on this Part? No
Summary and Purpose of Amendments:
This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.
- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No
Are there any other Amendments Pending on this Part? No
Summary and Purpose of Amendments:
This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.
- 14) Will the Amendments Replace an Emergency Rule Currently in Effect? No
Are there any other Amendments Pending on this Part? No
Summary and Purpose of Amendments:
This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.
- 15) Will the Amendments Replace an Emergency Rule Currently in Effect? No
Are there any other Amendments Pending on this Part? No
Summary and Purpose of Amendments:
This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.

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- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCESPART 840
ILLINOIS HEALTH AND HAZARDOUS
SUBSTANCES REGISTRY

SUBPART A: GENERAL REGISTRY PROVISIONS

Section	Purpose
840.5	Definitions
840.10	Incorporated Materials
840.20	Availability of Registry Information
840.30	Administrative Hearings
840.40	Quality Control
840.50	Fee Assessment
840.60	

SUBPART B: ILLINOIS STATE CANCER REGISTRY

Section	Entities Required to Submit Information
840.100	Information Required to be Reported
840.110	Methods of Reporting Cancer Registry Information
840.115	Quality Control (Repealed)
840.120	

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

840.200	Entities Required to Submit Information
840.210	Adverse Pregnancy Outcomes Information Required to be Reported
840.215	Methods of Reporting APORS Information

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

840.300	Entities Required to Submit Information (Occupational Disease Component)
840.305	Information Required to be Reported
840.310	Methods of Reporting Occupational Disease
840. Appendix A	ISCR Incidence Report Form
840. Appendix B	Forms and Instructions for APORS Reporting
Exhibit A	Instructions for Completing the Infant Discharge Record
Illustration A	Infant Discharge Record (Repealed)
Exhibit B	Instructions for Completing Maternal Supplement
Illustration B	Maternal Supplement Abstract (Repealed)

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840. Appendix C
Exhibit A Forms and Instructions for Occupational Disease Registry Instructions for completing the Laboratory Based Report of Adult Blood Lead Analysis
- Exhibit B Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form)
- Illustration A Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above
- Illustration B Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above
- Illustration C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1991⁸⁹, ch. 111 1/2, par. 6701 et seq.), Section 55.31b of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991⁸⁹, ch. 127, par. 55.31b), The Developmental Disabilities Prevention Act "AN-ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1991⁸⁹, ch. 111 1/2, par. 2101 et seq.), and the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991⁸⁹, ch. 111 1/2, par. 1301 et seq., specifically par. 1307).

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2319, effective February 10, 1993.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL REGISTRY PROVISIONS

Section 840.20 Incorporated Materials

- a) The following materials are incorporated and referenced in this Part:

- 1) State of Illinois Statutes
 - A) Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 6701 et seq.) (See Sections 840.5, 840.10 definition of "Act.")
 - B) The Developmental Disabilities Prevention Act "AN-ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 2101 et seq.) (See Section 840.10 definition of "Perinatal Act.")
 - C) Section 55.316 of the Civil Administrative Code of Illinois (Ill. Rev.

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- Stat. 1991⁸⁷, ch. 127, par. 55.316).
- D) Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 1301 et seq.).
 - E) Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 157-8.1 et seq.) (See Section 840.10 definition of "Ambulatory Surgical Treatment Center.")
 - F) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 621-101 et seq.) (See Section 840.10 definition of "Clinical Laboratory.")
 - G) Hospital Licensing Act (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 142 et seq.) (See Section 840.10 definition of "Hospital.")
 - H) Freedom of Information Act (Ill. Rev. Stat. 1991⁸⁷, ch. 116, par. 201 et seq.) (See Section 840.306).
 - I) Part 21 of Article 8 of the Code of Civil Procedure, commonly known as the "Medical Studies Act" (Ill. Rev. Stat. 1991⁸⁷, ch. 110, par. 8-2101 et seq.) (See Section 840.30 (g) and 840.200 (a)).
 - J) State Records Act (Ill. Rev. Stat. 1991⁸⁷, ch. 116, par. 43.4 et seq.) (See Section 840.30 (h)).
 - K) Vital Records Act (Ill. Rev. Stat. 1991⁸⁷, ch. 111 1/2, par. 73-1 et seq.) (See Section 840.210 (e)).
- 2) State of Illinois Regulation:
- A) Freedom of Information Code (2 Ill. Adm. Code 1126) (See Section 840.30 (a)).
 - B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 840.40).
 - C) Hospital Licensing Requirements (77 Ill. Adm. Code 250) (See Section 840.215 (b)).
 - D) Regionalized Perinatal Care (77 Ill. Adm. Code 640) (See Section 840.200 (a) and 840.215 (b)).
- 3) Federal Rules

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- A) 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b1 (See Section 840.30 (b) and 840.110 (f)).
- B) 29 CFR 1910.1025 (See Section 840.10 definition of "Emergency Removal of Worker With an Elevated Blood Lead Level" and 840.30).
- 4) Other Guidelines and Materials
- A) International Classification of Diseases, 9th Revision Clinical Modification, World Health Organization, Geneva, Switzerland (1986) (See Section 840.10 definition of "ICD-9-CM.")
- B) International Classification of Diseases for Oncology, 1990 4976, World Health Organization, Geneva, Switzerland (See Section 840.115).

- b) All citations to federal regulation in this Part concern the specified regulations in the 1990 4989 Code of Federal Regulations, unless another date is specified.
- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

SUBPART B: ILLINOIS STATE CANCER REGISTRY

Section 840.115 Methods of Reporting Cancer Registry Information

- a) All patients identified at a reporting facility, whether as an inpatient or outpatient, who meet one of the two following criteria are reportable to the Registry:
- 1) Patients with a newly diagnosed cancer, who have within six months after diagnosis, received cancer directed treatment or refused treatment.
- (AGENCY NOTE: Because of the possibility of one patient being diagnosed or treated in more than one facility, it is necessary to make the determination if the patient is still classified as "newly diagnosed." For example, if a patient is first diagnosed and definitively treated in Hospital A in February, 1986, but was then referred to Hospital B in April, 1986, for further definitive treatment for that cancer, that patient would be a reportable case for Hospital A and B.)
- 2) Patient with cancer diagnosed through autopsy.

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- b) A patient is considered to have a malignant neoplasm when a licensed physician, or dentist, indicates that he/she does. Otherwise, the following terminology, when applied to a malignancy, shall be interpreted as indicating involvement by a cancerous tumor:
- 1) Probable.
- 2) Consistent with,
- 3) Compatible with,
- 4) Suspected,
- 5) Extension or invasion 'to', 'onto', 'into', 'out onto',
- 6) Most likely,
- 7) Presumed,
- 8) Cannot rule out,
- 9) Apparently,
- 10) Suspicious.

- c) The following terminology, when applied to a malignancy, shall be interpreted as indicating non-involvement by a cancerous tumor:
- 1) Questionable,
- 2) Possible,
- 3) Suggests,
- 4) Equivocal,
- 5) Rule out,
- 6) Very close fo,
- 7) Worrisome.

- d) Determination of whether or not a given primary tumor is reportable shall be made by reference to the morphology codes (M-codes) of the Second Edition of the

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INTERNATIONAL CLASSIFICATION OF DISEASES FOR ONCOLOGY
International Classification of Diseases for Oncology (ICD-O).

- e) The specified cases of tumorous or precancerous diseases which shall be reported to the Registry are:
- 1) benign intracranial tumors, and
 - 2) other conditions which the facility wishes to report.
- f) Cases of basal or squamous cell neoplasms of the skin (i.e., ICD-O codes C44.0-C44.9 ~~T-173.0-173.9~~ with M8050 through M8110) shall only be reported when located in the following areas: penis, scrotum, anus, eyelid, and muco-cutaneous junctions of the lips, labia and vulva.
- g) There are two mechanisms by which a reporting facility can report cancer cases. These depend on whether or not the reporting facility maintains a cancer program and tumor registry:
- 1) **OPTION #1.** Facilities that maintain a cancer program and a tumor registry shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These facilities shall code the shaded boxes for primary site and morphology and shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology.
 - 2) **OPTION #2.** All other facilities shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These reporting facilities shall staple the patient's cancer-confirming pathology report to the incidence report form, shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology, and shall not code the primary site or morphology.
- h) All reporting facilities are responsible for complete casefinding, which means identifying all first time reported cancer patients and completing an incidence report form for the Registry. Casefinding techniques shall be implemented through the review of the clinical record and pathology and cytology reports.
- 1) Any patient's clinical record identified with any of the following ICD-9-CM Diagnosis Codes by the Medical Record Department shall be reviewed for reportability to the Registry:
 - 2) All pathology and cytology reports from the facility with a positive morphologic diagnosis of cancer shall be reviewed for reportable neoplasms, including reports on inpatient and outpatient surgical resections and biopsy specimens, bone marrow biopsies, cytology specimens and autopsies.

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- | | | |
|----|-------------|---|
| A) | 140-208 | Malignancies (1° & 2°). |
| B) | 211.8 | Mesothelioma of Peritoneum. |
| C) | 212.3 | Adenoma of lung or bronchus. |
| D) | 212.4 | Mesothelioma of Pleura. |
| E) | 230-234 | Carcinoma-in-situ - all sites. |
| F) | 235-238 | Neoplasms of uncertain behavior. |
| G) | 239 | Neoplasms of unspecified nature. |
| H) | 273.1 | Monoclonal Gammopathy. |
| I) | 273.2 | Alpha Heavy Chain Disease. |
| J) | 273.3 | Waldenstrom's macroglobulinemia. |
| K) | 279.9 | Unspecified Disorder of Immune Mechanism. |
| L) | V10.0-V10.9 | Personal history of malignant neoplasms. |
| M) | V58.0 | Radiation therapy for malignancy. |
| N) | V58.1 | Maintenance chemotherapy. |
| O) | V66.1 | Convalescence following radiotherapy. |
| P) | V66.2 | Convalescence following radiation therapy chemotherapy. |
| Q) | V67.1 | Follow-up exam following radiation therapy. |
| R) | V67.2 | Follow-up exam following chemotherapy. |
| S) | V76 | Special screening for malignant neoplasms. |
- 2) All pathology and cytology reports from the facility with a positive morphologic diagnosis of cancer shall be reviewed for reportable neoplasms, including reports on inpatient and outpatient surgical resections and biopsy specimens, bone marrow biopsies, cytology specimens and autopsies.

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- 3) Any conflict of interpretation of cancer incidence shall defer to the clinician's determination.
- i) All reporting facilities shall submit the incidence report form(s) on a monthly basis as described below:
 - 1) All facilities with names beginning with the first letter of A-G shall report during the 1st week of the month.
 - 2) All facilities with names beginning with the first letter H-N shall report during the 2nd week of the month.
 - 3) All facilities with names beginning with the first letter S shall report during the 3rd week of the month.
 - 4) All facilities with names beginning with the first letter O-Z (excluding S) shall report during the 4th week of the month.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

Section 840.210 Adverse Pregnancy Outcomes Information Required to be Reported

- a) Every hospital shall participate in the Adverse Pregnancy Outcomes Reporting System by reporting each adverse pregnancy outcome incident to the Department.
- b) An adverse pregnancy outcome incident consists of any infant which meets one of the criteria set forth below prior to discharge from newborn hospitalization:
 - 1) Discharge from a patient care unit or bassinets designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours);
 - 2) Diagnosis of a positive urine toxicology for any drug and/or showing signs of drug toxicity or withdrawal;
 - 3) Diagnosis with a congenital anomaly as defined by ICD-9-CM codes, ranging from 740.0 to 759.9;
 - 4) A serious congenital infection,[§]
 - A) syphilis (ICD-9-CM 090) or

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- B) congenital infections (ICD-9-CM 771);
- 5) An endocrine, metabolic or immune disorder,
 - A) hypothyroidism (ICD-9-CM 243),
 - B) adrenogenital syndrome (ICD-9-CM 255.2),
 - C) inborn errors of metabolism (ICD-9-CM 270 to 273),
 - D) cystic fibrosis (ICD-9-CM 277.0), and
 - E) immune deficiency disorder (ICD-9-CM 279.2);
- 6) A blood disorder,[§]
 - A) leukemia (ICD-9-CM 204 to 208),
 - B) hereditary hemolytic anemias (ICD-9-CM 282),
 - C) constitutional aplastic anemia (ICD-9-CM 284), and
 - D) coagulation defects (ICD-9-CM 286);
- 7) Other conditions,[§]
 - A) neurofibromatosis (ICD-9-CM 237.7),
 - B) retinopathy of prematurity (ICD-9-CM 362.21),
 - C) chorioretinitis (ICD-9-CM 363.2),
 - D) strabismus (ICD-9-CM 378),
 - E) endocardial fibroelastosis (ICD-9-CM 425.3),
 - F) occlusion of cerebral arteries (ICD-9-CM 434),
 - G) fetal alcohol syndrome (ICD-9-CM 760.71),
 - H) intrauterine growth retardation (ICD-9-CM 764.9), and
 - I) cerebral lipidoses (ICD-9-CM 330.1);

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- 8) A birth weight ~~birthweight~~ of less than 1501 grams; or
- 9) Diagnosis as a perinatal or neonatal death.
- 10) (AGENCY NOTE: Fetal death (gestation greater than 20 weeks) is considered an adverse pregnancy outcome and will be included in the APORS database. However, fetal deaths do not have to be reported through APORS, because these deaths are already reported and compiled in the Department's Vital Records database. In addition, the products of induced abortions shall not be reported to APORS.)
- c) The APORS will also be complemented with information from the Department's Vital Records database under the Vital Records Act and other Maternal and Child Health reports and submissions.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

Section 840.215 Methods of Reporting APORS Information

- a) The Adverse Pregnancy Outcomes Reporting System consists of one form of reporting. This reporting shall be on the forms provided by the Department or through electronic means compatible with the Department's data processing system. Every hospital shall develop procedures and policies for identifying reportable infant cases to APORS. (See Appendix B, ~~Exhibit H~~ Exhibit A.)
- b) The Infant Discharge Record (Appendix B, ~~Exhibit H~~ Exhibit A) shall be completed by the hospital providing the highest level of care and distributed within seven days of discharge (See 77 Ill. Adm. Code 250.1820 and 77 Ill. Adm. Code 640 for explanation of levels of care). The form must be typed or completed in ball point pen. In addition, all dates must be entered in numeric form.
- c) The Infant Discharge Record shall be distributed in the following manner:
- 1) The original form (white copy) of the Infant Discharge Record must be sent to the Department's Division of Epidemiologic Studies, 605 West Jefferson, Springfield, Illinois 62702-9986;
 - 2) The canary copy of each form must be sent to the Local Health Department or Health Agency in the county of the mother's residence;
 - 3) The pink copy of each form must be sent to the patient's primary care physician;
 - 4) The goldenrod copy may be retained by the reporting facility.

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- d) The maternal supplement (Appendix B, Exhibit B) will be completed by Department field abstractors. The abstractors will go to hospitals and abstract the maternal information from the mother's delivery record. When the extended electronic birth certificate system is implemented, the hospital will submit the maternal information to the Department as part of the infant's extended electronic birth certificate.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

Section 840.305 Information Required to be Reported

- a) Occupational Disease Registry shall consist of information on the following occupational disease incidence(s):
- 1) Asbestosis;
 - 2) Silicosis;
 - 3) Coal Worker's Pneumoconiosis; and
 - 4) Elevated Blood Lead Levels (Lead Poisoning).
- b) Information of the occupational disease incidence(s) shall be collected in two ways.

- 1) Information concerning elevated blood lead levels (lead poisoning) shall be reported to the Department by the facilities specified in Section 840.300 of this Part.

- A) The Department will contract with the local health authorities which agree to conduct interviews with patients/cases, or attending physicians as needed, to assure the accuracy and completeness of reports and will perform the activities or case follow-up for elevated blood lead levels above 25 mcg/dl set forth in subsection (b)(1)(B) below.

- B) This agreement will contain requirements for the performance of the following activities or patient or case follow-up:

- i) trace the patient or case,
- ii) counsel the patient or case,
- iii) educate the patient or case, ~~and~~

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- iv) interview the patient or case for purposes of collecting, verifying or completing the information identified in subsection (b)(1) of this Section; and
 - v) submit completed reports to the Department within 30 ~~45~~ business days after receipt of the laboratory report for adult elevated blood lead analysis form.
- 2) Information concerning Asbestosis, Silicosis, and Ceol Worker's Pneumoconiosis shall be collected from existing reporting sources such as the Illinois Health Care Cost Containment Council data base through abstracts of medical records.
- c) The information to be reported shall be provided upon forms supplied by the Department. The facility shall abstract information for the occupational disease case's record onto the standard forms supplied by the Department. (See Appendix C) The information required in this Section does not apply to data supplied through existing data base sources.
- d) All completed forms are to be mailed to the Illinois Department of Public Health, Division of Epidemiologic Studies, Occupational Disease Registry, 605 West Jefferson Street, Springfield, Illinois 62761.
- e) Each case's occupational disease incidence report form shall be sent to the Department within 7 business days of the date of laboratory results. All data received from a registered, permitted or licensed clinical laboratory or hospital laboratory sent to a local health authority in Illinois or other facility shall be submitted to the Department within 3 business days of the date it is received by the local health authority or other facility.
- f) Every hospital, clinical or hospital laboratory, or other facility shall provide representatives of the Department with access to information including specified occupational disease cases or other cases specified for research studies related to occupational disease prevention and control. The Department will conduct studies of all medical, pathological, or other pertinent records and logs related to occupational disease incidence.
- g) Every hospital, clinical or hospital laboratory, or other facility shall provide the Department representatives with patient's name and attending physician's name for the purposes of follow-up on all laboratory and existing data base reports received by the Department.
- h) The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital, other reporting facilities and the Department.

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The Department shall not require hospitals and other reporting facilities to provide information on cases which are dated more than two years before the Department's request for further information. Any disputes regarding access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 17 Ill. Reg. 2319 , effective February 10, 1993)

Section 840.310 Methods of Reporting Occupational Disease

- a) All registered, permitted or licensed hospital laboratories, clinical laboratories, local health authorities or other facilities shall provide the Department with information on elevated blood lead level cases within 7 business days of receipt of results.
- b) Any person, clinical or hospital laboratory, hospital, or other facility required to report to the Department the specified occupational diseases shall use the terminology the Department has established. Otherwise, the following terminology shall be interpreted as indicating a reportable occupational disease:

- 1) Probable;
- 2) Consistent with;
- 3) Compatible with;
- 4) Suspected;
- 5) Extension or invasion 'to', 'onto', 'into', 'out onto'.

- c) If the following terminology is used to report occupational disease specified by the Department to be collected and submitted on forms in Appendix C, it shall be interpreted as being of a nature that is not necessary for reporting to the Department:

- 1) Questionable;
- 2) Possible;
- 3) Suggests;
- 4) Equivocal;
- 5) Rule out;
- 6) Very close to; -

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7) Worrisome.

d) Determination of whether or not a given condition is reportable shall be made by the use of the International Classification of Diseases - 9th Revision - Clinical Modification (ICD-9-CM) codes.

e) The specified diagnosis of occupationally related diseases which shall be collected from existing sources data base are:

- 1) Asbestosis, ICD-9-CM code 501.3;
- 2) Coal Worker's Pneumoconiosis, ICD-9-CM code 500.3;
- 3) Lead Poisoning - (Elevated Blood Lead Level), ICD-9-CM code 984.0 - 984.9, ~~and~~;
- 4) Silicosis, ICD-9-CM code 502.

f) All existing reporting sources data base provided to the Department shall use these ICD-9-CM codes for the purpose in consistency of data collection.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

 Section 840. Appendix B ~~Form and~~ Instructions for APORS Reporting
 Exhibit A Instructions for Completing Infant Discharge Record

- a) Reporting hospital and city. Print the name and city of your hospital. Do not enter the code; it will be entered by the Department.
- b) Delivery hospital and city. Print the name of the hospital or other location at which the birth occurred. For out-of-hospital births, identify the location by address or by description, e.g., "enroute to hospital". Print the city (and the state if not in Illinois) in which the birth occurred. Do not enter the code; it will be entered by the Department.
- c) Patient ID #. Enter the patient number used by your hospital which is unique to each admission. This number is usually assigned by the business office and may be different from the medical record number.
- d) (Infant's) Med Rec # (Medical Record Number). Enter the infant's medical record number.
- e) Adm date (admission date). Enter the date the infant was admitted to your facility. For deliveries which occurred within your facility, the admission date and delivery

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date will be identical.

f) (Infant's) last name and first name. Print the name of the infant, last name first. The name entered here should be identical with the name on the birth certificate.

g) Delivery (date). Enter the date of birth.

h) AKA name (Also Known As). Print any other last name by which the infant is known.

i) D/C Date (Discharge Date). Enter the date the infant was discharged from your facility. For infant deaths which occur within the hospital, use the date of death as the discharge date. Transfers should be treated as follows:

- 1) For an infant transferred from one unit to another within your hospital (e.g., from newborn nursery to designated patient care unit to intermediate nursery), enter the date the infant was discharged from the facility.
- 2) For an infant transferred from a Level III hospital to either a Level II or I, or from a Level II to a Level I, enter the date of transfer.
- 3) For an infant transferred from one Level III to another, from one Level II to another, or from one Level I to another, only the hospital providing the higher level of care completes the Infant Discharge Record (at the time of discharge from their facility).
- 4) For an infant transferred from a Level I hospital to a Level II or III, or from a Level II to a Level III, only the higher-level facility completes the Infant Discharge Record (at the time of discharge from their facility).

j) Sex. Check the appropriate box.

k) Race. Check the appropriate box. Whenever possible, use the designation the parents feel is most appropriate for their infant.

l) Hispanic. Check the appropriate box. The infant should be designated as Hispanic if either parent is identified with that ethnic group. If no information is available, then check N/A, not available. Note: Be sure to mark both "Race" and "Hispanic" for all infants. Hispanic persons may belong to any race.

m) Diagnoses. List all infant diagnoses and/or conditions including all congenital anomalies and genetic disorders. At least one entry must be made here. Do not enter the codes; they will be entered by the Department.

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- n) Delivery type. Check the appropriate box to indicate whether the delivery was a vaginal delivery or cesarean section.
- o) Gestational age (GA). Enter the number of weeks spent in utero from conception to the time of birth.
- 1) The Dubowitz Assessment of gestational age is the preferred method of determining GA.
- 2) If the Dubowitz score is not available, record GA based on the last menstrual period (LMP).
- 3) If GA based on LMP is not available, record GA based on general appearance of infant.
- p) Admit to a designated patient unit. Check the appropriate box to report whether the infant was admitted to a designated patient care unit. A designated patient care unit is as specified in Section 840.210(a)(1) of this Part, a unit or bassinets(s) designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours).
- q) Consult perinatal center (infant).
- 1) Check Box 1 if an attending physician at a community hospital contacted a Perinatal Center regarding care of the infant and subsequently transferred the infant to the center.
- 2) Check Box 2 if such a consultation was made without a transfer.
- 3) Check Box 3 if no consultation was made.
- 4) Check Box 9 if no information about a consultation is available.
- r) Consult perinatal center (maternal).
- 1) Check Box 1 if an attending physician at a community hospital contacted a Perinatal Center regarding care of the mother and subsequently transferred the mother to the center.
- 2) Check Box 2 if such a consultation was made without a transfer.
- 3) Check Box 3 if no consultation was made.

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- 4) Check Box 9 if no information about a consultation is available.
- s) Drug toxicity or withdrawal. Enter yes or no if there is an infant report of a urine toxicology or signs or symptoms of drug withdrawal. If yes, enter the specific drug on the line after "specify."
- t) Birth Weight ~~Birthweight~~. Enter the infant's birth weight ~~birthweight~~ in grams.
- u) Discharge Weight. Enter the weight (in grams) of the infant at the time of discharge.
- v) Birth head (circumference). Enter the head circumference (in centimeters) of the infant at birth.
- w) Discharge head (circumference). Enter the head circumference (in centimeters) of the infant at the time of discharge.
- x) Birth length. Enter the crown-heel length (in centimeters) of the infant at birth.
- y) Discharge length. Enter the crown-heel length (in centimeters) of the infant at the time of discharge.
- z) (Mother's) last name, first name, maiden name. Print the last, first and maiden name of the infant's mother. Enter the maiden name even when it is identical with the last name. If married and maiden name is not known enter unknown.
- aa) (Mother's) Med Rec # (Medical Record Number). Enter the mother's medical record number assigned by the hospital of delivery, if available.
- bb) Father's last name and first (name). Print the name of the infant's father, if available.
- cc) Address. Print house number, street, city, and state of the infant's mother.
- dd) County. Print the name of the county in which the mother resides. Do not enter the code; it will be entered at Illinois Department of Public Health.
- ee) Zip. Enter the mother's zip code.
- ff) Phone. Print the local phone number of the infant's mother, including area code.
- gg) Marital status. Check the appropriate box to indicate mother's marital status.
- hh) Gravida. Enter total number of pregnancies, including the present pregnancy, of the infant's mother.

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- ii) Para. Complete each line as instructed:
- F - Number of full term births.
P - Number of premature births.
A - Number of abortions, spontaneous and induced.
L - Number of living children.
- All deliveries, including the newborn, are to be included in F, P, or A. The newborn must also be included in L if discharged alive from the reporting hospital.
- jj) Age. Enter the mother's age at last birthdate.
- kk) Complications of pregnancy. Print all complications that were recorded as occurring during or as a result of the pregnancy. The following list provides examples of acute complication narratives. It is not inclusive of all pregnancy complications:
- 1) Chronic hypertension
 - 2) Gestational diabetes
 - 3) Juvenile onset diabetes
 - 4) Third trimester uterine bleeding
 - 5) Toxemia of all classes
 - 6) Polyhydramnios or oligohydramnios
 - 7) Thrombo-embolic disease
 - 8) Multiple pregnancy
 - 9) Inappropriate fetal growth for gestational age
 - 10) Persistent abnormal presentation
 - 11) Postdate pregnancy
 - 12) Premature rupture of membranes
 - 13) Premature labor
 - 14) Tumor or other obstruction of birth canal

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- 15) Feto-pelvic disproportion
 - 16) Active genital herpes
- ll) Discharge information.
- 1) Check Box 1 for infant death. List the cause of death under Diagnoses.
 - 2) (Do not use Box 2; Department will identify fetal deaths from Fetal Death Certificates.)
 - 3) Check Box 3 for an infant discharged to the mother's home or to any other family setting. If the infant is discharged to a family setting other than the mother's, as shown in "Address" above, please explain in "Other Concerns" space below.
 - 4) Check Box 4 to report transfer to another hospital, and specify the name and location (city) of that hospital. Do not enter the code; it will be entered at IDPH.
 - 5) Check Box 5 to report discharge to any long-term care facility. Print the name and location of the facility.
 - 6) Check Box 6 to report discharge to any public or private child services or welfare agency such as the Illinois Department of Children and Family Services (DCFS). Print the name and location of the agency. Send the first three copies of the Infant Discharge Record to IDPH. DO NOT distribute copies to the local health department or primary care physician.
- mm) Feedings. Check the appropriate box. If the infant is bottle feeding or on a nasogastric tube, specify formula type, frequency and amount of feeding.
- nn) Infant D/C treatment (infant discharge treatment). Print all specific treatments, excepting medications, for the infant upon discharge.
- oo) Infant medication. Print the names, dosages and route of administration of all medications the infant is receiving upon discharge.
- pp) Other concerns. Describe any other concerns -- health, social, developmental -- the local public health nurse should know about when making a home visit. If the infant was discharged to a home other than the mother's, please specify the address and the name of the caretaker.
- qq) RN contact at hospital and phone. Print the name and telephone number, including

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area code, of the reporting hospital nurse who can be contacted regarding the infant by the public health nurse making home visits to the patient.

rr) Print the name of a friend, relative or other person who would know how to reach the infant's parents. Specify the exact relationship (mother, father, sister, uncle, friend, pastor) of the contact person to the infant's parents.

ss) Address and phone. Print the contact person's house number, street name, city, state and telephone number, including area code in parentheses.

tt) Family informed of LHN visit. Check whether the family has been informed that a local public health nurse will visit their home.

uu) LHN Agency. Print the name of the local health agency to whom the infant was referred for follow-up services. Refer to the local health agency in the county of the mother's residence. See the list of such agencies and the areas they serve, provided by the Department. Do not enter the code; it will be entered by the Department.

vv) Current support services. Check the appropriate box(es) to indicate the social services the infant's family is receiving, or will receive upon discharge, for this infant.

1) Check Box 1 if the family is receiving services for this infant from a community social service agency, or if a referral for such services has been made.

2) Check Box 2 if the Division of Services to Crippled Children is providing services to this infant, or if a referral to DSCC has been made.

3) Check Box 3 if the Department of Children and Family Services is providing services to the family for this infant, or if a referral to DCFS has been made.

4) Check Box 4 if the family is receiving services for this infant from any other agency, or if a referral for such services has been made. Specify the agency by name.

5) Check Box 5 if the family is receiving no support services for this infant.

ww) Primary care physician's name. Print the name of the infant's local primary care physician.

xx) Signature and title. Enter your name and title.

yy) Report date. Print the date the form is completed.

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(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

Section 840, Appendix B ~~Forms and~~ Instructions for APORS Reporting
Illustration A Infant Discharge Record (Repealed)

(Source: Repealed at 17 Ill. Reg. 2319, effective February 10, 1993)

Section 840, Appendix B Instructions for APORS Reporting
Exhibit B Instructions for Completing Maternal Supplement

a) Social security number. Enter the mother's social security number. If the mother's social security number is unknown, enter 9's.

b) Date of birth. Enter the month, day and last two digits of the mother's year of birth. If any portion of the date is missing, leave the space blank.

c) Public funding. Check the appropriate box to indicate if public funds were used for the hospitalization of the mother or if the mother had applied for public funds during the time of hospitalization.

1) Check code 1 if mother's payment source is medicaid, medicare, IPA, IPAC or state funded HMO (health maintenance organization) or when application for any of these funds is documented.

2) Check code 2 if mother's payment source is private insurance, self pay, Champus, or HMO (other than state funded HMO).

3) Check code 8 if mother's medical record is not available for review.

4) Check code 9 when no documentation of mother's method of payment is on the medical record.

d) Weight Chg. LBS (weight change). Enter the number of pounds the mother gained or lost from the time of conception to the time of delivery. If code 8 or 9 is used, leave the number of pounds blank.

1) Check code 1 if number of pounds is weight gain.

2) Check code 2 if number of pounds is weight loss.

3) Check code 8 if mother's medical record is not available for review.

4) Check code 9 if unable to determine weight change from the mother's medical

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record.

- e) LMP date (last menstrual period). Enter the month, day, and last two digits of year of mother's last menstrual period. If any period of the date is missing, leave the space blank.

- f) Cigarettes used. This element is limited to the usage of tobacco. Marijuana usage is recorded in the element, "mother used drugs".

- 1) Check code 1 if the mother has smoked cigarettes during this pregnancy.

- 2) Check code 2 if the mother stopped smoking during this pregnancy.

- 3) Check code 3 if the mother smoked in the past but stopped smoking prior to this pregnancy.

- 4) Check code 4 if the mother does not smoke or denies smoking.

- 5) Check code 8 if the mother's medical record is not available for review.

- 6) Check code 9 when there is no mention of cigarette usage in the medical record or when a pre-printed form with smoking or tobacco usage is blank.

g) Alcohol used.

- 1) Check code 1 if the mother has consumed alcohol during this pregnancy.

- 2) Check code 2 if the mother has not consumed alcohol during this pregnancy.

- 3) Check code 8 if the mother's medical record is not available for review.

- 4) Check code 9 if there is no mention of alcohol consumption in the mother's medical record.

h) Prenatal ultrasound.

- 1) Check code 1 if the mother received ultrasound, sonogram, or echogram during this pregnancy prior to delivery.

- 2) Check code 2 if the mother did not receive ultrasound, sonogram, or echogram prior to delivery. Also use this code if the record states no prenatal care, unless there is an ultrasound documented after admission and before delivery.

- 3) Check code 8 if the mother's medical record is not available for review.

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- 4) Check code 9 if there is no mention of ultrasound, sonogram, or echogram in the mother's medical record.

i) Assistance (chem stim) (chemical stimulation).

- 1) Check code 1 if chemical stimulation was used to begin or augment labor (i.e. pitocin, oxytocin).

- 2) Check code 2 if no chemical stimulation was used to begin or augment labor, or when there is no mention of chemical stimulation.

- 3) Check code 8 if the mother's medical record is not available for review.

j) EEM during dlrvy (delivery).

- 1) Check code 1 if an internal monitor or transducer was used to monitor the fetus during the course of labor and delivery.

- 2) Check code 2 if an external monitor or transducer was used to monitor the fetus during the course of labor and delivery.

- 3) Check code 3 if both internal and external monitors of any type were used to monitor the fetus during labor and delivery.

- 4) Check code 4 if no monitoring was done during the course of labor and delivery.

- 5) Check code 8 if the mother's medical record is not available for review.

k) Delivery type.

- 1) Check code 1 if the mother had a spontaneous vaginal delivery.

- 2) Check code 2 if the delivery was done with mid-low forceps.

- 3) Check code 3 if delivery was a vacuum extraction.

- 4) Check code 4 if the delivery was vaginal breach.

- 5) Check code 5 if a primary cesarean section was performed.

- 6) Check code 6 if a secondary or repeat cesarean section was performed.

- 7) Check code 7 if other type of delivery not listed in codes 1 through 6 was performed.

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- 8) Check code 8 if the mother's medical record is not available for review.
- 9) Check code 9 if the medical record does not contain information identifying the type of delivery.
- 1) Mthr used drugs (mother). Record any drug use that is documented as occurring during this pregnancy.
- 1) Check code 0 if the mother has used opioid during this pregnancy.
- 2) Check code 1 if the mother has used barbiturate during this pregnancy.
- 3) Check code 2 if the mother has used cocaine during this pregnancy.
- 4) Check code 3 if the mother has used cannabis during this pregnancy.
- 5) Check code 4 if the mother has used drugs during this pregnancy that are not listed in codes 0 through 3.
- 6) Check code 5 if the mother has used a combination of any drugs listed in codes 0 through 3 during this pregnancy.
- 7) Check code 6 if the mother has not used any drugs during this pregnancy.
- 8) Check code 8 if the mother's medical record is not available for review.
- 9) Check code 9 if there is no documentation of mother's drug use during this pregnancy.
- m) Mother employed while pregnant.
- 1) Check code 1 if the mother was employed at any time during this pregnancy.
- 2) Check code 2 if the mother was unemployed during this pregnancy.
- 3) Check code 8 if the mother's medical record is not available for review.
- 4) Check code 9 if there is no indication of the mother's employment status.
- n) Occupation (mother's). Enter the title of the mother's current or most recent occupation regardless of what the mother has done over her lifetime. If the current or most recent occupation is unknown, enter unknown. If the mother is currently unemployed, but her most recent occupation is known, enter the title of her most recent occupation.

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- o) Industry (mother's). Enter the industry by which the mother is currently or was most recently employed. Industry is any branch of trade, business, or manufacturing. If the industry cannot be defined, enter the name and address of the company.
- p) Father employed.
- 1) Check code 1 if the father was employed.
- 2) Check code 2 if the father was unemployed.
- 3) Check code 8 if the mother's medical record is not available for review.
- 4) Check code 9 if the father's employment status is unknown.
- q) Occupation (father's). Enter the title of the father's current or most recent occupation regardless of what the father has done over his lifetime. If the current or most recent occupation is unknown, enter unknown. If the father is currently unemployed, but his most recent occupation is known, enter the title of his most recent occupation.
- r) Industry (father's). Enter the industry by which the father is currently or was most recently employed. Industry is any branch of trade, business, or manufacturing. If the industry cannot be defined, enter the name and address of the company.
- s) Mother's diagnoses. Record the narrative of the mother's diagnoses from the delivery medical record.
- (Source: Added at 17 Ill. Reg. 2319, effective February 10, 1993)
- Section 840. Appendix B ~~Forms and Instructions for APORS Reporting~~
Illustration B ~~Maternal Supplement Abstract (Repealed)~~
- (Source: Repealed at 17 Ill. Reg. 2319, effective February 10, 1993)
- Section 840. Appendix C ~~Forms and Instructions for Occupational Disease Registry~~
Exhibit B ~~Instructions for Completing the Health Department Follow-Up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form.)~~
- The follow-up form should be completed for all persons 16 years of age and older having had a blood lead test done and analyzed at 25 mcg/dl or higher. Information from this form will be matched with the laboratory report of adult elevated blood lead level analysis form.
1. ILLINOIS DEPARTMENT OF PUBLIC HEALTH CASE NUMBER: The case number will be completed by the Illinois Department of Public Health.

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2. DATE OF REPORT: Enter the month, day and year the form is being completed, e.g., 08/03/1989. Use two digits for month and date and four digits for the year.
3. HEALTH DEPARTMENT FOLLOW-UP: If not already computer printed, enter the name of the health department completing the report, e.g., Cook County Health Department.

CASE DATA

4. NAME: Information for the case name will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct or complete the information at the time of the case interview.

- LAST NAME: Enter the complete last name of the case.
- FIRST NAME: Enter the complete first name of the case.
- MIDDLE INITIAL: Enter the middle initial of the case.
- MAIDEN NAME: If applicable, enter the maiden name of the case.

ADDRESS: If available, information for the case address will ~~can~~ be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct, or complete the information at the time of the case interview. All elements refer to domicile, i.e., the address from which the case may lawfully register to vote if proper age is attained.

- NUMBER: Enter the number of case's current street address.
- DIRECTION: Enter the direction which appears in the case's current street address, e.g., North, West.
- STREET NAME: Enter the name of the case's current street address.
- APARTMENT NUMBER: If applicable, enter the apartment number of the case's current address.
- TYPE: Enter the applicable type of street address, e.g. avenue, street, boulevard.
- LOCATION: If applicable, enter the location of the street address, e.g., N.E., N.W.
- CITY: Enter the complete name of the city where the case currently is domiciled.
- STATE: Enter the two digit state abbreviation where the case currently is domiciled.

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- ZIP CODE: Enter the five digit zip code where the case's currently domiciled address applies.
- COUNTY NAME AND CODE: Enter the name of county where the case is domiciled. The Illinois Department of Public Health will enter the county code of the case's current address.

PERSONAL DATA

5. PHONE NUMBER: Enter case's telephone number (area code and seven digit number). Enter slashes if unknown.
6. SOCIAL SECURITY NUMBER: Enter the case's nine digit social security number. If unknown, enter slashes in the boxes provided.
7. DATE OF BIRTH: Enter the case's month, day and year of birth, e.g. 08/03/1989. Use 2 digits for month & date and 4 digits for year.
8. SEX: Enter the case's sex in the box. Mark 1 if male, 2 if female, and 3 if other (includes hermaphrodites and instances of definitive sex changes), and 9 if unknown.
9. RACE: Enter the case's race in the box. Mark 1 if White, 2 if Black, 3 if Asian American/Pacific Islander, 4 if American Indian/Alaskan Native, 5 if other and identify what type on the line provided and box 9 if unknown.

Black is defined as a person having origins in any of the black racial groups of the original people of Africa, and is not of Hispanic origin.

Asian American or Pacific Islander is defined as a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, i.e., China, Korea, the Philippine Islands or Samoa.

American Indian or Alaskan Native is defined as a person having origins in any of the original peoples of North America and who maintains culture identification through tribal affiliation or community organization.

White is defined as a person who is considered to be Caucasian.

10. HISPANIC ORIGIN: Hispanic is not considered a race. It is an ethnicity. Enter the appropriate number in the box identifying whether or not case is Hispanic. Mark 1 for yes, if yes, specify ancestry on line provided, mark 2 for no, and mark 9 for unknown. Hispanic Origin includes all Mexican, Puerto Rican, Cuban, South or Central America, and other Spanish people. Brazilians and Portuguese are not considered of Hispanic origin.

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11. NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING IN THE CASE'S HOUSEHOLD: Enter the appropriate number of children living in the case's household in the box provided.
12. CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS: If the case or other in household is pregnant at the time the elevated blood level sample is taken indicate by entering a 0 for not applicable (N/A), 1 for yes, if not pregnant enter a 2 for no, or if unknown enter a 9.
13. TRIMESTER OF PREGNANCY: If the case or other in household is pregnant at the time the elevated blood level sample is drawn enter the trimester by marking 1 for first, 2 for second, 3 for third. If not applicable, enter 0 ~~do not complete this element~~.

CASE OCCUPATION DATA

14. OCCUPATION: Enter the type of occupation which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.
15. INDUSTRY: Enter the type of industry which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.
16. IF CASE OR OTHER IN HOUSEHOLD IS PREGNANT, LIST CASE'S OCCUPATION DURING: (If applicable)

Prior 3 months: Enter type of occupation case held 3 months before pregnancy. The Illinois Department of Public Health will complete the code.

1st Trimester: Enter the type of occupation case held at 1st trimester of pregnancy. The Illinois Department of Public Health will complete the code.

2nd Trimester: Enter the type of occupation case held at 2nd trimester of pregnancy. The Illinois Department of Public Health will complete the code.

3rd Trimester: Enter the type of occupation case held at 3rd trimester of pregnancy. The Illinois Department of Public Health will complete the code.

17. CASE REMOVED FROM WORK ENVIRONMENT: Enter 1 for yes - case was removed from work environment or 2 for no - case was not removed from work environment. Enter 9 if it is unknown whether case was removed from work environment.

CASE EMPLOYER DATA

18. COMPANY NAME AND ADDRESS: Enter the name of the case's current or most recent employer at the time the blood test was drawn. The Illinois Department of Public Health

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will complete the code.

EMPLOYER'S ADDRESS (The work site of the case):

- NUMBER: Enter the number and direction of the case's current or most recent employer.
- STREET NAME: Enter the street name of the case's current or most recent employer.
- CITY: Enter the complete name of the city of the case's current or most recent employer.
- STATE: Enter the two letter abbreviation of the state (see attached list) of the case's current or most recent employer.
- ZIP CODE: Enter the five digit zip code of the case's current or most recent employer.
- COUNTY NAME AND CODE: Enter the county name of the case's current or most recent employer. Illinois Department of Public Health will complete the county codes.

19. EMPLOYER'S PHONE NUMBER: Enter the telephone number of the case's current or most recent employer (includes area code and seven digits).

SIGNATURE LINE: Enter the name (first and last) of the person completing the report. Enter the title of the person completing the report. Record on the line provided the date the completed report is mailed.

Mail completed form within 30 ~~45~~ business days after ~~upon~~ receipt of the Adult Elevated Blood Lead Report to:
 Illinois Department of Public Health
 Division of Epidemiologic Studies
 Occupational Disease Registry
 605 W. Jefferson Street
 Springfield, IL 62761

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

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- 1) The Heading of the Part:
Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation:
77 Ill. Adm. Code 350
- 3) Section Numbers:
350.3730
Adopted Action:
Amendment
- 4) Statutory Authority:
Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.)
- 5) Effective Date of Amendments: February 10, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: February 10, 1993
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:
16 Ill. Reg. 4791 - March 27, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
If Yes, Date Agency Response Submitted for Approval to JCAR:
Date Statement of Objection was Published in the Illinois Register:
Difference Between Proposal and Final Version:
None
- 11) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?
All changes agreed upon by the Department and the Joint Committee on Administrative

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Rules have been made.

- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part?

Section Number	Proposed Action	Illinois Register Citation
350.1235	New Section	16 Ill. Reg. 15044
350.640	Amendments	16 Ill. Reg. 17500
350.175	Amendments	16 Ill. Reg. 1269
350.180	Amendments	16 Ill. Reg. 1269
350.270	Amendments	16 Ill. Reg. 1269
350.640	Amendments	16 Ill. Reg. 1269
350.680	Amendments	16 Ill. Reg. 1269
350.685	Amendments	16 Ill. Reg. 1269
350.3210	Amendments	16 Ill. Reg. 1269
350.3310	Amendments	16 Ill. Reg. 1269
350. Appendix A	Repealer	16 Ill. Reg. 1269

- 15) Summary and Purpose of Amendments:

This rulemaking allows the admission of nonmobile residents to intermediate care facilities for the developmentally disabled of 16 or fewer beds. The Department has been using the waiver provisions of Section 3-301.1 of the Nursing Home Care Act and Section 350.330 of this Part to allow admission of nonmobile residents. Amending the rules to include criteria for the admission of nonmobile residents will place the decision making at the facility level and relieve the Department staff of the task of reviewing waiver requests. In addition, allowing the admission of nonmobile residents will better enable intermediate care facilities to meet the needs of developmentally disabled persons. In subsection (c), the number of days for an external day program is being changed to correspond to the Department of Public Aid's reimbursement schedule.

- 16) Information and Questions Regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section		350.640	Contract Between Resident and Facility
0.110	General Requirements	350.650	Residents' Advisory Council
0.120	Application for License	350.660	General Policies
0.130	Licensee	350.670	Personnel Policies
0.140	Issuance of an Initial License for a New Facility	350.675	Initial Health Evaluation for Employees
0.150	Issuance of an Initial License Due to a Change of Ownership	350.680	Developmental Disabilities Aides
0.160	Issuance of a Renewal License	350.685	Student Interns
0.165	Criteria for Adverse License Actions	350.690	Disaster Preparedness
0.170	Denial of Initial License	350.700	Serious Incidents and Accidents
0.175	Denial of Renewal of License		
0.180	Revocation of License		
0.190	Experimental Program Conflicting With Requirements		
0.200	Inspections, Surveys, Evaluations and Consultation		
0.210	Filing an Annual Attested Financial Statement	Section	
0.220	Information to Be Made Available to the Public By the Department	350.810	Personnel
0.230	Information to Be Made Available to the Public By the Licensee	350.820	Consultation Services
0.240	Municipal Licensing	350.830	Personnel Policies
0.250	Ownership Disclosure		
0.260	Issuance of Conditional Licenses		
0.270	Monitor and Receivership		
0.272	Determination to Issue a Notice of Violation or Administrative Warning	Section	
0.274	Determination of the Level of a Violation	350.1010	Service Programs
0.276	Notice of Violation	350.1020	Psychological Services
0.277	Administrative Warning	350.1030	Social Services
0.278	Plans of Correction	350.1040	Speech Pathology and Audiology Services
0.280	Reports of Correction	350.1050	Recreational and Activities Services
0.282	Conditions for Assessment of Penalties	350.1060	Training and Habilitation Services
0.284	Calculation of Penalties	350.1070	Training and Habilitation Staff
0.286	Determination to Assess Penalties		
0.288	Reduction or Waiver of Penalties		
0.290	Quarterly List of Violators	Section	
0.300	Alcoholism Treatment Programs In Long-Term Care Facilities	350.1210	Health Services
0.310	Department May Survey Facilities Formerly Licensed	350.1220	Physician Services
0.320	Waivers	350.1225	Tuberculin Skin Test Procedures
0.330	Definitions	350.1230	Nursing Services
0.340	Incorporated and Referenced Materials	350.1240	Dental Services
		350.1250	Physical and Occupational Therapy Services

SUBPART B: ADMINISTRATION

SUBPART B: ADMINISTRATION

Section		Section	
350.510	Administrator	350.1010	Service Programs
		350.1020	Psychological Services
		350.1030	Social Services
		350.1040	Speech Pathology and Audiology Services
		350.1050	Recreational and Activities Services
		350.1060	Training and Habilitation Services
		350.1070	Training and Habilitation Staff
		Section	
		350.1210	Health Services
		350.1220	Physician Services
		350.1225	Tuberculin Skin Test Procedures
		350.1230	Nursing Services
		350.1240	Dental Services
		350.1250	Physical and Occupational Therapy Services

SUBPART C: POLICIES

SUBPART C: POLICIES

Section		Section	
350.610	Management Policies	350.1010	Service Programs
350.620	Resident Care Policies	350.1020	Psychological Services
350.630	Admission and Discharge Policies	350.1030	Social Services
350.640	Contract Between Resident and Facility	350.1040	Speech Pathology and Audiology Services
350.650	Residents' Advisory Council	350.1050	Recreational and Activities Services
350.660	General Policies	350.1060	Training and Habilitation Services
350.670	Personnel Policies	350.1070	Training and Habilitation Staff
350.675	Initial Health Evaluation for Employees		
350.680	Developmental Disabilities Aides	Section	
350.685	Student Interns	350.1010	Service Programs
350.690	Disaster Preparedness	350.1020	Psychological Services
		350.1030	Social Services
		350.1040	Speech Pathology and Audiology Services
		350.1050	Recreational and Activities Services
		350.1060	Training and Habilitation Services
		350.1070	Training and Habilitation Staff
		Section	
		350.1210	Health Services
		350.1220	Physician Services
		350.1225	Tuberculin Skin Test Procedures
		350.1230	Nursing Services
		350.1240	Dental Services
		350.1250	Physical and Occupational Therapy Services

SUBPART D: PERSONNEL

SUBPART D: PERSONNEL

Section		Section	
350.810	Personnel	350.1010	Service Programs
350.820	Consultation Services	350.1020	Psychological Services
350.830	Personnel Policies	350.1030	Social Services
		350.1040	Speech Pathology and Audiology Services
		350.1050	Recreational and Activities Services
		350.1060	Training and Habilitation Services
		350.1070	Training and Habilitation Staff
		Section	
		350.1210	Health Services
		350.1220	Physician Services
		350.1225	Tuberculin Skin Test Procedures
		350.1230	Nursing Services
		350.1240	Dental Services
		350.1250	Physical and Occupational Therapy Services

SUBPART E: RESIDENT LIVING SERVICES

SUBPART E: RESIDENT LIVING SERVICES

Section		Section	
350.1010	Service Programs	350.1010	Service Programs
350.1020	Psychological Services	350.1020	Psychological Services
350.1030	Social Services	350.1030	Social Services
350.1040	Speech Pathology and Audiology Services	350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services	350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services	350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff	350.1070	Training and Habilitation Staff
		Section	
		350.1210	Health Services
		350.1220	Physician Services
		350.1225	Tuberculin Skin Test Procedures
		350.1230	Nursing Services
		350.1240	Dental Services
		350.1250	Physical and Occupational Therapy Services

SUBPART F: HEALTH SERVICES

SUBPART F: HEALTH SERVICES

Section		Section	
350.1210	Health Services	350.1010	Service Programs
350.1220	Physician Services	350.1020	Psychological Services
350.1225	Tuberculin Skin Test Procedures	350.1030	Social Services
350.1230	Nursing Services	350.1040	Speech Pathology and Audiology Services
350.1240	Dental Services	350.1050	Recreational and Activities Services
350.1250	Physical and Occupational Therapy Services	350.1060	Training and Habilitation Services
		350.1070	Training and Habilitation Staff
		Section	
		350.1210	Health Services
		350.1220	Physician Services
		350.1225	Tuberculin Skin Test Procedures
		350.1230	Nursing Services
		350.1240	Dental Services
		350.1250	Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

SUBPART G: MEDICATIONS

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

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Section

350.1410 Medication Policies and Procedures
 350.1420 Conformance with Physician's Orders
 350.1430 Administration of Medication
 350.1440 Labeling and Storage
 350.1450 Control of Narcotics and Legend Drugs

Section

350.2410 Codes
 350.2420 Water Supply
 350.2430 Sewage Disposal
 350.2440 Plumbing

SUBPART H: RESIDENT AND FACILITY RECORDS

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.1610 Resident Record Requirements
 350.1620 Content of Medical Records
 350.1630 Confidentiality of Resident's Records
 350.1640 Records Pertaining to Residents' Property
 350.1650 Retention and Transfer of Resident Records
 350.1660 Other Resident Record Requirements
 350.1670 Staff Responsibility for Medical Records
 350.1680 Retention of Facility Records
 350.1690 Other Facility Record Requirements

Section

350.2610 Applicability of Standards
 350.2620 Codes and Standards
 350.2630 Preparation of Drawings and Specifications
 350.2640 Site
 350.2650 Administration and Public Areas
 350.2660 Nursing Unit
 350.2670 Dining, Living, Activities Rooms
 350.2680 Therapy and Personal Care
 350.2690 Service Departments
 350.2700 General Building Requirements
 350.2710 Structural
 350.2720 Mechanical Systems
 350.2730 Plumbing Systems
 350.2740 Electrical Systems

SUBPART I: FOOD SERVICE

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.1810 Director of Food Services
 350.1820 Dietary Staff in Addition to Director of Food Services
 350.1830 Hygiene of Dietary Staff
 350.1840 Diet Orders
 350.1850 Adequacy of Diet and Meal Pattern
 350.1860 Therapeutic Diets
 350.1870 Scheduling Meals
 350.1880 Menu Planning
 350.1890 Food Preparation and Service
 350.1900 Food Handling Sanitation
 350.1910 Kitchen Equipment, Utensils, and Supplies

Section

350.2910 Applicability
 350.2920 Codes and Standards
 350.2930 Preparation of Drawings and Specifications
 350.2940 Site
 350.2950 Administration and Public Areas
 350.2960 Nursing Unit
 350.2970 Living, Dining, Activities Rooms
 350.2980 Treatment and Personal Care
 350.2990 Service Departments
 350.3000 General Building Requirements
 350.3010 Structural
 350.3020 Mechanical Systems
 350.3030 Plumbing Systems
 350.3040 Electrical Requirements

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

350.2010 Maintenance
 350.2020 Housekeeping
 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210 Furnishings
 350.2220 Equipment and Supplies

SUBPART O: RESIDENT'S RIGHTS

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.3210 General
 350.3220 Medical and Personal Care Program

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350.3230	Restraints
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
350.3310	Complaint Procedures
350.3320	Confidentiality
350.3330	Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section	Applicability of Other Provisions of this Part
350.3710	Administration
350.3720	Admission and Discharge Policies
350.3730	Personnel
350.3740	Consultation Services and Nursing Services
350.3750	Medication Policies
350.3760	Food Services
350.3770	Codes and Standards
350.3780	Administration and Public Areas
350.3790	Bedrooms
350.3800	Bath and Toilet Rooms
350.3810	Utility Rooms
350.3820	Living, Dining, Activity Rooms
350.3830	Therapy and Personal Care
350.3840	Kitchen
350.3850	Laundry Room
350.3860	General Building Requirements
350.3870	Corridors
350.3880	Special Care Room
350.3900	Exit Facilities and Subdivision of Floor Areas
350.3910	Stairways, Vertical Openings and Doorways
350.3920	Hazardous Areas and Combustible Storage
350.3930	Mechanical Systems
350.3940	Heating, Cooling, and Ventilating Systems
350.3950	plumbing Systems
350.3960	Electrical Systems
350.3970	Fire Alarm and Detection System
350.3980	Emergency Electrical System
350.3990	Fire Protection
350.4000	Construction Types
350.4010	Equivalencies
350.4020	New Construction Requirements
350.4030	

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SUBPART Q: DAY CARE PROGRAMS

Section	Day Care in Long-Term Care Facilities
350.4210	
APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service
APPENDIX B	Federal Requirements Regarding Residents' Rights
APPENDIX C	Seismic Zone Map
APPENDIX D	Forms for Day Care in Long-Term Care Facilities
TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D	Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less
TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE F	Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987;

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amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993.

Section 350.3730 Admission and Discharge Policies

- a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, reviewed conducted by an appropriately constituted interdisciplinary team (IDT). As part of this evaluation, ~~the team shall determine the capabilities of the resident's capabilities ability for self-preservation shall be determined.~~ (B)
- b) No residents shall be admitted to, ~~nor~~ or kept in, the facility who is not independently, with or without devices, mobile ambulatory; ~~in addition, all residents must be able to move about without assistance from other persons and must be able to take action for self-preservation under emergency situations, unless:~~

1) The interdisciplinary team in the comprehensive evaluation concludes and documents that:

A) the person's needs (medical, social, psychological, and developmental) can be met at the facility; and

B) admission to the facility is in the best interest of the person; and

C) admission of the person to the facility will not adversely affect any resident currently at the facility.

2) The physical plant and equipment will not be a barrier to the person's achieving all adjudged capabilities.

3) The physical plant is built to "impractical" standards as defined in Chapter 24 of the Life Safety Code (National Fire Protection Association Standard Number 101, 1985 edition); or there is adequate available trained staff, as evaluated by the Department and as determined by the calculation of the Level of Evacuation Difficulty as defined in Appendix F of the Life Safety Code (NFPA 101, 1985 edition) so as to meet "slow or prompt building standards."

- c) Each resident of an ICF/DD of 16 Beds or Less shall be either employed or enrolled in an external day program, off the grounds of the facility, at least 200 240 days per year, five hours per day. A resident may participate in more than one program to meet this requirement.

1) The provision of employment or enrollment in a day program shall be documented in the resident's individual habilitation plan.

2) Each interdisciplinary team review shall include a review of the

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resident's day program to assure consistent program planning and implementation.

- 3) When possible, representatives from the resident's employment or day program shall participate in the interdisciplinary team review.

(Source: Amended at 17 Ill. Reg. 2351, effective February 10, 1993)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF EMERGENCY AMENDMENT
TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE D: PROPERTY MANAGEMENT
CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
PART 5000
ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY
SUBPART A: GENERAL

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF EMERGENCY AMENDMENT

- 1) The Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) Section Numbers: Emergency Action:
Amendment
5000.230
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 102, par. 3.1 [50 ILCS 105/3.1] and Ill. Rev. Stat. 1991, ch. 127, par. 63b/3.1 [20 ILCS 405/67.01]
- 5) Effective Date of Emergency Amendment: February 5, 1993
- 6) If the Emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: February 5, 1993
- 8) Reason for Emergency:
To insure that real estate disclosure statements are updated in a timely fashion.
- 9) A Complete Description of the Subjects and Issues Involved:
Current rules do not provide for update of the required disclosure statement. The emergency amendment corrects that situation.
- 10) Are there any Proposed Amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: The amendment has no impact on local governments.
- 12) Information and questions regarding the Emergency Amendment shall be directed to:

John Brazaitis
712 Stratton Office Building
Springfield, IL 62706
(217)785-1944

The full text of the Emergency Amendment begin on the next page.

Section 5000.100 5000.110 5000.120	Authority Policy Applicability
Section 5000.200 5000.210 5000.220 5000.230 EMERGENCY 5000.240	General Policy and Responsibility Requests for Space/Agency Responsibilities Acquisition Authority Acquisition Procedures Lease Administration
Section 5000.300 5000.310 5000.320 5000.330 5000.340 5000.350 5000.360 5000.370 5000.380	Scope Area Measurement Space Planning Assistance Open Space Space Allowance and Standards Office Furnishing Handicapped Accessibility Vending Facilities/Blind Operations Improvements
Section 5000.400 5000.410 5000.420 5000.430 5000.440 5000.450	Assignment and Management by DCMS Assignment by Agencies Reviews and Appeal of Space Assignment Actions Services Provided Alterations Local Requirements
	SUBPART E: UTILIZATION OF SPACE (STATE OWNED AND LEASED PROPERTIES)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section

5000.500

5000.510

5000.520

5000.530

Space Inspections and Surveys

Responsibility of Agencies

Release of Space Not Fully Utilized

Notice of DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section

5000.600

5000.610

5000.620

5000.630

5000.640

5000.650

5000.660

Excess Real Property Defined

Reports of Excess Real Property

Utilization of Excess Real Property

Charges for Use of Excess Property

Temporary Occupancy

Disputes

Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

5000.700

5000.710

5000.720

5000.730

5000.740

5000.750

5000.760

5000.770

5000.780

5000.790

5000.800

5000.810

5000.820

5000.830

5000.840

Surplus Real Property Defined

Declaration of Surplus

Reporting Surplus Real Property

Notice of Availability to State Agencies

State Agency Requests for Surplus Real Property

Transfer Decisions

Transfer Procedures

Transfer to Department of Central Management Services

Subsequent Disposal

Sale of Surplus

Notice of Sale to Local Governments

Local Government Offer to Purchase

Public Sale

Public Sale Procedures

Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDINGS

Section

5000.900

5000.910

5000.920

5000.930

5000.940

5000.950

5000.960

Applicability

Definitions

Business Hours and Public Access

Prohibited Activities

Demonstrations

Exhibits and Special Events

Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

5000.970

Severability

APPENDIX A

Space Standards

APPENDIX B

Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act (111. Rev. Stat. 1991, ch. 127, par. 133b10.1) [30 ILCS 605/7.1], implementing and authorized by Sections 51, 67.02, 67.06, 67.07, 67.22 and 67.24 of the Civil Administrative Code of Illinois (111. Rev. Stat. 1991, ch. 127, pars. 51, 63b13.2, 63b13.6, 63b13.7, 63b13.22 and 63b13.24) [20 ILCS 5/51, 20 ILCS 405/67.02, 20 ILCS 405/67.06, 20 ILCS 405/67.07, 20 ILCS 405/67.22 and 20 ILCS 405/67.24] and authorized by Section 6 of the State Property Control Act (111. Rev. Stat. 1991, ch. 127, par. 133b9) [30 ILCS 605/61].

SOURCE: Adopted at 6 111. Reg. 12984, effective October 13, 1982; emergency amendment at 7 111. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 111. Reg. 7825, effective June 22, 1983; emergency amendment at 8 111. Reg. 13444, effective July 17, 1984 for a maximum of 150 days; codified at 8 111. Reg. 19345; amended at 10 111. Reg. 636, effective December 31, 1985; amended at 17 111. Reg. 1006, effective January 19, 1993; emergency amendment at 17 111. Reg. 2361, effective February 5, 1993, for a maximum of 150 days.

Section 5000.230 Acquisition Procedures

EMERGENCY

- a) DCMS will review State-owned space and space leased by other agencies which may be suitable to fill the agency space request. Such space, because it involves no outside expenditure or because use would avoid unnecessary lease costs, will be used in preference to newly acquired leased space. Exceptions will only be granted upon strong justification submitted by the head of the agency requesting space.
- b) If no suitable State-owned or controlled space is available, DCMS will so advise the requesting agency.
- c) To help ensure that DCMS personnel have awareness of comparable facilities, DCMS will periodically solicit information from property owners and managers regarding space that might be available for State use.
- d) DCMS will maintain proposals received from solicitations for at least twelve months from date of receipt. These proposals will be reviewed to determine whether any locations are suitable to fill a particular space request.
- e) Acquisition of leased space will be by negotiation. In acquiring space DCMS will negotiate with multiple lessors of comparable facilities to the maximum extent practical.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- f) Acquisition of space by lease will be on the basis most favorable to the State, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities. In those instances where alterations to a property are needed, DCMS will review and approve the scope of work and method of payment prior to the commencement of work. Agencies are not to perform alterations to leased properties or enter into contracts for alterations without DCMS approval. DCMS will not, however, approve any lease or renovations therein without the agency desiring the space making a positive recommendation. Factors that could influence the decision to approve alterations include but are not limited to: length of term, cost relative to base cost, cost of base plus alterations compared to other site costs, degree of permanency of alterations, and demonstrated program need for alterations.
- g) DCMS shall determine the appropriate term for a given lease (not to exceed 5 years unless paid solely by federal funds) and negotiate accordingly. The particular terms and conditions of a given lease will in general conform to DCMS standard lease form provisions. Changes, additions or deletions to these terms shall be at DCMS' discretion. Agency input will be solicited prior to negotiation.
- h) DCMS will attempt to negotiate a favorable renewal option, State-option cancellation clause, and purchase option provision when appropriate.
- i) All leases shall be accompanied by a full written disclosure of the identity of every owner and beneficiary having any interest in the premises being leased.
- 1) Such disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, or managing agent.
- 2) Such disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, and the names of all shareholders in a corporation who are entitled to receive more than 7 1/2 % of the total distributable income of the corporation. If stock in a corporation is publicly traded and no readily known individual owns more than a 7 1/2 % interest, then the requirements of this rule may be met by an officer or managing agent of the corporation making an affirmative statement to this effect under oath.

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NOTICE OF EMERGENCY AMENDMENT

- 3) Such disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband, or minor child of such person having an ownership or beneficial interest under the lease. In the event such person is so set forth, the disclosure shall include a specific designation of the percentage of the total distributable income such person, together with that of the wife, husband, or minor child of such person, is entitled to receive from any firm, partnership, association, or corporation which is the lessor.
- 4) It shall be the responsibility of the lessor to notify DCMS of any changes in ownership or beneficial interest and submitting updated disclosure statements reflecting such changes within 30 days of such change.
- 5) Updated disclosure is required for all existing leases in effect on the effective date of this rule. For all such leases, a report must be submitted within 30 days of the effective date of these rules which
- i) discloses any changes of ownership or beneficial interests from those previously reported, or
- ii) confirms that there have been no changes.
- 6) The failure of a lessor to provide the disclosure required under the provisions of this Section shall be deemed a material breach of the lease and shall constitute grounds for termination of the lease agreement.
- i) There shall be a standardized record keeping and investigative procedure employed by DCMS personnel between the initial request by an agency for leasehold facilities and the time of executing a lease. This procedure is as follows:
- 1) The request for space by an agency shall be assigned to a DCMS leasing representative whose responsibility it shall be to assemble potential leasing facilities.
- A) In doing so, the leasing representative shall view prospective facilities, gather necessary leasehold data, photograph potential sites, detail name of owner of building and prospective terms of lease, obtain copy of multiple listing sheet if property has been placed on the market, obtain comparable square foot costs in the immediate vicinity and prepare written memorandum to documentary superior detailing such above information. All file.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF EMERGENCY AMENDMENT

- B) Should any employee or representative of the agency desiring space be involved in viewing prospective locations, the name of such individual shall be noticed on the written report.
- C) There shall be no dissemination of any information by either agency personnel or DCMS personnel concerning prospective locations to anyone outside the respective agencies involved in the leasing search.
- D) The leasing representative shall transmit the result of any leasehold potentials to his immediate supervisor together with a recommendation for further action.
- 2) Upon receipt from the leasing representative of potential lease arrangements, the supervisor shall review the documentary evidence and be responsible for (a) negotiating with any potential lessor or authorizing negotiations by the subordinate or other party and (b) communicating to the particular agency any facts necessary to enable agency personnel to have meaningful input into the leasehold negotiation.
- 3) Any proposed lease which contains non-standard terms, together with all negotiated items, shall be submitted to the DCMS legal counsel with a memorandum by the supervisor outlining the negotiations and detailing the oral representations which the parties have tentatively agreed upon.
- 4) Counsel for DCMS shall, at this point, review the original memorandum and the items of negotiation, review the prospective lease as to form and legal validity, and issue a written recommendation to the leasing supervisor regarding approval.
- 5) The Director, or designate, after a complete review of all documentation shall make the final decision with regard to the execution of the lease.
- 6) After internal review, the lease documents will be prepared by DCMS and sent to the Lessor and using agency for signature. The lease will then be returned to DCMS for final execution and distribution.

(Emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993
for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: Emergency Action:
117.15 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par.12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: February 8, 1993
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: February 8, 1993
- 8) Reason for Emergency: These emergency amendments are being filed to implement the provisions of Senate Bill 1889. These proposed amendments are necessary to ensure that eligible individuals who cooperate with the Department receive all the assistance benefits to which they are entitled. Specifically, this rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.
- 9) Complete Description of the Subjects and Issues Involved: These proposed amendments specify that when financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate, the financial aid will be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question. This rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.
- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

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NOTICE OF EMERGENCY AMENDMENTS

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12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

Section

117.1	Incorporation By Reference
117.10	Payee For Financial Assistance
117.15	<u>Reinstatement Upon Agreement to Cooperate</u>
<u>EMERGENCY</u>	
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13) [305 ILCS 5/3-1 et seq., 5/4-1 et seq., 5/6-1 et seq. and 5/12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 29, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill.

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Reg. 2368, effective February 8, 1993, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 117.15 Reinstatement Upon Agreement to Cooperate
EMERGENCY

a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.

b) Failure to cooperate includes but is not limited to:

- 1) failure to keep an appointment;
- 2) failure to attend a meeting;
- 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
- 4) failure to be available for a home visit.

c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten (10) working days after the first day the financial aid would have been available, the Department shall inform the client that his/her financial assistance will be reinstated if he/she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he/she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.

d) The client's willingness to cooperate shall be demonstrated by his/her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.

e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 117.15(e) (continued)

client expresses a willingness to cooperate within ten (10) working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) above.

f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.

(Source: Emergency rule added at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 3503) Section Numbers:Emergency Actions:

350.260 Amendments
 350.271 New Section
 350.278 Amendments
 350.290 Amendments

4) Statutory Authority:

Nursing Home Care Act
 Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.
 210 ILCS 45/1-101 et seq. (1992)

5) Effective Date of Emergency Amendments:

February 3, 1993

6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:

N/A

7) Date Filed in Agency's Principal Office:

February 3, 1993

8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the

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NOTICE OF EMERGENCY AMENDMENTS

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N/A

7) Date Filed in Agency's Principal Office:

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

survey process.

9) A Complete Description of the Subjects and Issues Involved:

Section 350.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.

Section 350.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.

Section 350.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.

Section 350.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 350.260(d).

The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.

10) Are there any proposed amendments to this Part pending?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
350.1235	New Section	16 Ill. Reg. 15044
350.640	Amendments	16 Ill. Reg. 17500
350.175	Amendments	17 Ill. Reg. 1269
350.180	Amendments	17 Ill. Reg. 1269
350.270	Amendments	17 Ill. Reg. 1269
350.640	Amendments	17 Ill. Reg. 1269
350.680	Amendments	17 Ill. Reg. 1269

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
350.685	Amendments	17 Ill. Reg. 1269
350.3210	Amendments	17 Ill. Reg. 1269
350.3330	Amendments	17 Ill. Reg. 1269
350.Appendix A	Repealer	17 Ill. Reg. 1269

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensure
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
EMERGENCY	
350.270	Monitor and Receivership
300.271	Presentation of Findings
EMERGENCY	
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
EMERGENCY	
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties

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350.290	Quarterly List of Violators
EMERGENCY	
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials
350.510	Administrator
	SUBPART B: ADMINISTRATION
350.610	Management Policies
350.620	Resident Care Policies
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents
	SUBPART D: PERSONNEL
350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies
	SUBPART E: RESIDENT LIVING SERVICES
350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff

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SUBPART F: HEALTH SERVICES

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

350.1210 Health Services
 350.1220 Physician Services
 350.1225 Tuberculin Skin Test Procedures
 350.1230 Nursing Services
 350.1240 Dental Services
 350.1250 Physical and Occupational Therapy Services

350.2010 Maintenance
 350.2020 Housekeeping
 350.2030 Laundry Services

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
 350.1420 Conformance with Physician's Orders
 350.1430 Administration of Medication
 350.1440 Labeling and Storage
 350.1450 Control of Narcotics and Legend Drugs

350.2210 Furnishings
 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.2410 Codes
 350.2420 Water Supply
 350.2430 Sewage Disposal
 350.2440 Plumbing

SUBPART H: RESIDENT AND FACILITY RECORDS

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.1610 Resident Record Requirements
 350.1620 Content of Medical Records
 350.1630 Confidentiality of Resident's Records
 350.1640 Records Pertaining to Residents' Property
 350.1650 Retention and Transfer of Resident Records
 350.1660 Other Resident Record Requirements
 350.1670 Staff Responsibility for Medical Records
 350.1680 Retention of Facility Records
 350.1690 Other Facility Record Requirements

350.2610 Applicability of These Standards
 350.2620 Codes and Standards
 350.2630 Preparation of Drawings and Specifications
 350.2640 Site

350.2650 Administration and Public Areas
 350.2660 Nursing Unit
 350.2670 Dining, Living, Activities Rooms
 350.2680 Therapy and Personal Care
 350.2690 Service Departments
 350.2700 General Building Requirements
 350.2710 Structural
 350.2720 Mechanical Systems
 350.2730 Plumbing Systems
 350.2740 Electrical Systems

SUBPART I: FOOD SERVICE

350.1810 Director of Food Services
 350.1820 Dietary Staff in Addition to Director of Food Services
 350.1830 Hygiene of Dietary Staff
 350.1840 Diet Orders
 350.1850 Adequacy of Diet and Meal Pattern
 350.1860 Therapeutic Diets
 350.1870 Scheduling Meals
 350.1880 Menu Planning
 350.1890 Food Preparation and Service
 350.1900 Food Handling Sanitation
 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910 Applicability
 350.2920 Codes and Standards
 350.2930 Preparation of Drawings and Specifications
 350.2940 Site

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350.3030
350.3040

Administration and Public Areas
Nursing Unit
Living, Dining, Activities Rooms
Treatment and Personal Care
Service Departments
General Building Requirements
Structural
Mechanical Systems
Plumbing Systems
Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

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350.3220
350.3230
350.3240
350.3250
350.3260
350.3270
350.3280
350.3290
350.3300
350.3310
350.3320
350.3330

General
Medical and Personal Care Program
Restraints
Abuse and Neglect
Communication and Visitation
Residents' Funds
Residents' Advisory Council
Contract With Facility
Private Right of Action
Transfer or Discharge
Complaint Procedures
Confidentiality
Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

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350.3720
350.3730
350.3740
350.3750
350.3760
350.3770
350.3780
350.3790
350.3800
350.3810
350.3820
350.3830

Applicability of Other Provisions of this Part
Administration
Admission and Discharge Policies
Personnel
Consultation Services and Nursing Services
Medication Policies
Food Services
Codes and Standards
Administration and Public Areas
Bedrooms
Nurses Station
Bath and Toilet Rooms
Utility Rooms

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350.3840
350.3850
350.3860
350.3870
350.3880
350.3890
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350.3980
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350.4000
350.4010
350.4020
350.4030

Living, Dining, Activity Rooms
Therapy and Personal Care
Kitchen
Laundry Room
General Building Requirements
Corridors
Special Care Room
Exit Facilities and Subdivision of Floor Areas
Stairways, Vertical Openings and Doorways
Hazardous Areas and Combustible Storage
Mechanical Systems
Heating, Cooling, and Ventilating Systems
Plumbing Systems
Electrical Systems
Fire Alarm and Detection System
Emergency Electrical System
Fire Protection
Construction Types
Equivalencies
New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

350.4210 Day Care in Long-Term Care Facilities

350. APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service
350. APPENDIX B Federal Requirements Regarding Residents' Rights
350. APPENDIX C Seismic Zone Map
350. APPENDIX D Forms for Day Care in Long-Term Care Facilities
350. TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350. TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350. TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350. TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983
Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less
350. TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350. TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch.

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111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 350.260
EMERGENCY.

Issuance of Conditional Licenses

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON THE TIMELY CORRECTION OF THE DEFICIENCIES

- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THE ACT AND THIS PART OF THE ACT and this Part WHICH PREVENT FULL LICENSURE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT OF THE ACT TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)

- d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)

- e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT Section 3-119 of the Act. (Section 3-316 of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

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Section 350.271
EMERGENCYPresentation of Findings

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.
- c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.
- d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.
- e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.
- f) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.
- g) The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence

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NOTICE OF EMERGENCY AMENDMENTS

and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.

- h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. Video-taped recordings shall not be allowed.

- i) Surveyors shall not conduct an exit conference for the following reasons:

- 1) The facility administrator or designee requests that an exit conference not be held;
- 2) During a scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

(Source: Emergency rule added at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

Section 350.278
EMERGENCYPlans of Correction

- a) A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL B VIOLATION for a Type B violation, or after receipt of a notice under Section 350.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)
- b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)
- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:

NOTICE OF EMERGENCY AMENDMENTS

- 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
 - 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
- f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the REASON FOR THE REJECTION. THE FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)
- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), or anytime the Department issues a Type A or repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) an approved plan of correction will be imposed by the Department.

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- h) The Department shall verify the completion of the correction action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

Section 350.290
EMERGENCY

Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:
 - 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 350.286 of this Part and Section 3-305(1) of the Act.
 - 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 350.180 of this Part and Section 3-119 of the Act.
 - 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 350.175 of this Part and Section 3-119 of the Act.
 - 4) Issued a NOTICE TO SUSPEND the facility's license as provided in Section 3-119 of the Act.
 - 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 350.260 of this Part and Section 3-313 of the Act, except where the terms of the conditional license have been stayed pursuant to Section 350.260(d).
 - 6) PLACED A MONITOR ~~IN THE FACILITY~~ in the facility as provided in Section 350.270 of this Part and Section 3-501 of the Act for one of the following reasons:
 - A) The facility is operating without a license.
 - B) The Department has revoked or refused to renew the license of the facility.
 - C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.

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NOTICE OF EMERGENCY AMENDMENTS

D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER.

8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)

b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

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1) The Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Numbers: Emergency Amendments:

390.260 Amendments

390.271 New Section

390.278 Amendments

390.290 Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq. [210 ILCS 45/1-101 et seq. (1992)]

5) Effective Date of Emergency Amendments:

February 3, 1993

6) If this emergency amendments is to expire before the end of the 150 day period, please specify the date on which it is to expire:

N/A

7) Date Filed in Agency's Principal Office:

February 3, 1993

8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

survey process.

9) A Complete Description of the Subjects and Issues Involved:

Section 390.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.

Section 390.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.

Section 390.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.

Section 390.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 390.260(d).

The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.

10) Are there any proposed amendments to this Part pending?

Section Numbers	Proposed Action	Illinois Register Citation
390.1025	New Section	16 Ill. Reg. 16520
390.640	Amendments	16 Ill. Reg. 17515
390.175	Amendments	17 Ill. Reg. 1296
390.180	Amendments	17 Ill. Reg. 1296
390.270	Amendments	17 Ill. Reg. 1296
390.640	Amendments	17 Ill. Reg. 1296
390.680	Amendments	17 Ill. Reg. 1296

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Section Numbers Proposed Action Illinois Register Citation

390.685 Amendments 17 Ill. Reg. 1296
390.3210 Amendments 17 Ill. Reg. 1296
390.3330 Amendments 17 Ill. Reg. 1296

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
 Illinois Department of Public Health
 535 West Jefferson Street, Fifth Floor
 Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
EMERGENCY	
390.270	Monitor and Receivership
390.271	Presentation of Findings
EMERGENCY	
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
EMERGENCY	
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties

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390.290	Quarterly List of Violators
EMERGENCY	
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials
	SUBPART B: ADMINISTRATION
390.500	Administrator
	SUBPART C: POLICIES
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents
	SUBPART D: PERSONNEL
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services
	SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES
390.1010	Service Programs
390.1020	Medical Services
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Denial Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services

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390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services
	SUBPART F: RESTRAINTS AND SAFETY DEVICES, BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES
390.1310	Restraints and Safety Devices
390.1320	Behavior Management
390.1330	Behavior Emergencies

SUBPART G: MEDICATIONS

390.1410	Medication Policies and Procedures
390.1420	Conformance with Physician's Orders
390.1430	Administration of Medication
390.1440	Labeling and Storage of Medications
390.1450	Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

390.1610	Resident Record Requirements
390.1620	Content of Medical Records
390.1630	Confidentiality of Resident's Records
390.1640	Records Pertaining to Residents' Property
390.1650	Retention and Transfer of Resident Records
390.1660	Other Resident Record Requirements
390.1670	Staff Responsibility for Medical Records
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SUBPART I: FOOD SERVICE

390.1810	Director of Food Services
390.1820	Dietary Staff in Addition to Director of Food Services
390.1830	Hygiene of Dietary Staff
390.1840	Diet Orders
390.1850	Adequacy of Diet and Meal Pattern
390.1860	Infant and Therapeutic Diets
390.1870	Scheduling Meals
390.1880	Menu Planning

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390.1890	Food Preparation and Service
390.1900	Preparation of Infant Formula
390.1910	Food Handling Sanitation
390.1920	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

390.2010	Maintenance
390.2020	Housekeeping
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

390.2210	Furnishings
390.2220	Equipment and Supplies
390.2230	Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

390.2410	Codes
390.2420	Water Supply
390.2430	Sewage Disposal
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

390.2610	Applicability of these Standards
390.2620	Codes and Standards
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390.2650	Administration and Public Areas
390.2660	Nursing Unit
390.2670	Dining, Play, Activity/Program Rooms
390.2680	Therapy and Personal Care
390.2690	Service Departments
390.2700	General Building Requirements
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390.2720	Mechanical Systems
390.2730	Plumbing Systems
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

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390.3030
390.3040

Applicability
Codes and Standards
Preparation of Drawings and Specifications
Site
Administration and Public Areas
Nursing Unit
Play, Dining, Activity/Program Rooms
Treatment and Personal Care
Service Department
General Building Requirements
Structural
Mechanical Systems
Plumbing Systems
Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

390.3210

General
Medical and Personal Care Program
Restraints

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390.3240
390.3250
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390.3270
390.3280
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390.3300
390.3310
390.3320
390.3330

Abuse and Neglect
Communication and Visitation
Residents' Funds
Residents' Advisory Council
Contract With Facility
Private Right of Action
Transfer or Discharge
Complaint Procedures
Confidentiality
Facility Implementation

SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

390. APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
390. APPENDIX B Forms for Day Care in Long-Term Care Facilities
390. TABLE A Infant Feeding
390. TABLE B Daily Nutritional Requirements By Age Group
390. TABLE C Sound Transmissions Limitations
390. TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of

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390. TABLE E
390. TABLE F

Age
Sprinkler Requirements
Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.)210 ILCS 45/1-101 et seq. (1992).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 390.260 Issuance of Conditional Licenses
EMERGENCY

a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)

b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF

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THE LICENSE SHALL BE CONDITIONAL UPON ON THE TIMELY CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)

c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THE ACT AND THE RULES PROMULGATED THEREUNDER the Act and this Part WHICH PREVENT FULL LICENSE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT OF THE ACT TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)

d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)

e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT Section 3-119 of the Act. (Section 3-316 of the Act)

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(Source: Emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days)

Section 390.271
Presentation of Findings
EMERGENCY

a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.

b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.

c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.

d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.

e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.

f) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.

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g)

The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.

h)

If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. Video-taped recordings shall not be allowed.

i)

Surveyors shall not conduct an exit conference for the following reasons:

- 1) The facility administrator or designee requests that an exit conference not be held;
- 2) During a scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

(Source: Emergency rule added at 17 Ill. Reg. 2390 _____, effective February 3, 1993, for a maximum of 150 days)

Section 390.278
EMERGENCY

Plans of Correction

a)

A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL-B VIOLATION for a Type B violation, or after receipt of a notice under Section 390.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)

b)

Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

c)

Each plan of correction shall be based on an assessment by the facility of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:

- 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
 - 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.

f)

When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the REASON FOR THE REJECTION. THE FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A

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MODIFIED PLAN. (Section 3-303(b) of the Act)

- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), or anytime the Department issues a Type A or repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) an approved plan of correction will be imposed by the Department.
- h) The Department shall verify the completion of the correction action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days)

Section 390.290
EMERGENCY
Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:

- 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 390.286 of this Part and Section 3-305(1) of the Act.
- 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 390.180 of this Part and Section 3-119 of the Act.
- 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 390.175 of this Part and Section 3-119 of the Act.
- 4) Issued a NOTICE TO SUSPEND the facility's license as provided in Section 3-119 of the Act.
- 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 390.260 of this Part and Section 3-313 of the Act, except where the terms of the conditional license have been stayed pursuant to Section 390.260(d).
- 6) PLACED A MONITOR IN THE FACILITY in the facility as provided in Section 390.270 of this Part and Section 3-501 of the Act for one of the

DEPARTMENT OF PUBLIC HEALTH

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following reasons:

- A) The facility is operating without a license.
- B) The Department has revoked or refused to renew the license of the facility.
- C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
- D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER.

- 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)

- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days)

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- 1) The Heading of the Part:
Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Numbers: Emergency Action:
330.260 Amendments
330.271 New Section
330.278 Amendments
330.290 Amendments
- 4) Statutory Authority:
Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.
210 ILCS 45/1-101 et seq. (1992)
- 5) Effective Date of Emergency Amendments:
February 3, 1993
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:
N/A
- 7) Date Filed in Agency's Principal Office:
February 3, 1993
- 8) Reason for Emergency:
The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the survey process.

- 9) A Complete Description of the Subjects and Issues Involved:
Section 330.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.
Section 330.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.
Section 330.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.
Section 330.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 330.260(d).
The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.
- 10) Are there any proposed amendments to this Part pending?

Section Numbers	Proposed Action	Illinois Register Citation
330.1125	New Section	16 Ill. Reg. 16531
330.730	Amendment	16 Ill. Reg. 17540
330.175	Amendment	17 Ill. Reg. 1321
330.180	Amendment	17 Ill. Reg. 1321
330.270	Amendment	17 Ill. Reg. 1321
330.730	Amendment	17 Ill. Reg. 1321
330.916	Amendment	17 Ill. Reg. 1321
330.4210	Amendment	17 Ill. Reg. 1321
330.4330	Amendment	17 Ill. Reg. 1321

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11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
 Address: Division of Governmental Affairs
 Illinois Department of Public Health
 535 West Jefferson Street, Fifth Floor
 Springfield, Illinois 62761
 Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 77 PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
EMERGENCY	
330.270	Monitor and Receivership
300.271	Presentation of Findings
EMERGENCY	
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
EMERGENCY	
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators

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330.300 Alcoholism Treatment Programs In Long-Term Care Facilities
330.310 Department May Survey Facilities Formerly Licensed
330.320 Waivers
330.330 Definitions
330.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

330.510 Administrator

SUBPART C: POLICIES

330.710 Resident Care Policies
330.720 Admission and Discharge Policies
330.730 Contract Between Resident and Facility
330.740 Residents' Advisory Council
330.750 General Policies
330.760 Personnel Policies
330.765 Initial Health Evaluation for Employees
330.770 Disaster Preparedness
330.780 Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910 Personnel
330.913 Nursing and Personal Care Assistants (Repealed)
330.916 Student Interns
330.920 Consultation Services
330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110 Medical Care Policies
330.1120 Personal Care
330.1130 Communicable Disease Policies
330.1135 Tuberculin Skin Test Procedures
330.1140 Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310 Activity Program
330.1320 Work Programs
330.1330 Written Policies for Restorative Services

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SUBPART G: MEDICATIONS

330.1510 Medication Policies
330.1520 Administration of Medication
330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710 Resident Record Requirements
330.1720 Content of Medical Records
330.1730 Records Pertaining to Residents' Property
330.1740 Retention and Transfer of Resident Records
330.1750 Other Resident Record Requirements
330.1760 Retention of Facility Records
330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

330.1910 Director of Food Services
330.1920 Dietary Staff in Addition to Director of Food Services
330.1930 Hygiene of Dietary Staff
330.1940 Diet Orders
330.1950 Adequacy of Diet and Meal Pattern
330.1960 Therapeutic Diets
330.1970 Scheduling of Meals
330.1980 Menu Planning
330.1990 Food Preparation and Service
330.2000 Food Handling Sanitation
330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

330.2210 Maintenance
330.2220 Housekeeping
330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

330.2410 Furnishings
330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

330.2610 Codes

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330.2620 Water Supply
330.2630 Sewage Disposal
330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

330.2810 Applicable Requirements (Repealed)
330.2820 Applicability of These Standards
330.2830 Submission of a Program Narrative
330.2840 New Constructions, Additions, Conversions, and Alterations
330.2850 Preparation and Submission of Drawings and Specifications
330.2860 First Stage Drawings
330.2870 Second Stage Drawings
330.2880 Architectural Drawings
330.2890 Structural Drawings
330.3000 Mechanical Drawings
330.3010 Electrical Drawings
330.3020 Additions to Existing Structures
330.3030 Specifications
330.3040 Building Codes
330.3050 Site
330.3060 General Building Requirements
330.3070 Administration
330.3080 Corridors
330.3090 Bath and Toilet Rooms
330.3100 Living, Dining, Activity Rooms
330.3110 Bedrooms
330.3120 Special Care Room
330.3130 Kitchen
330.3140 Laundry
330.3150 Housekeeping, Service, and Storage
330.3160 Plumbing
330.3170 Heating
330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection
330.3340 Fire Department Service and Water Supply
330.3350 General Building Requirements
330.3360 Exit Facilities and Subdivision of Floor Areas

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330.3370 Stairways, Vertical Openings, and Doorways
330.3380 Corridors
330.3390 Exit Lights and Directional Signs
330.3400 Hazardous Areas and Combustible Storage
330.3410 Fire Alarm and Detection System
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

330.3610 Site
330.3620 General Building Requirements
330.3630 Administration
330.3640 Corridors
330.3650 Bath and Toilet Rooms
330.3660 Living, Dining, and Activity Rooms
330.3670 Bedrooms
330.3680 Special Care Room
330.3690 Kitchen
330.3700 Laundry Room
330.3710 Housekeeping and Service Rooms and Storage Space
330.3720 Plumbing and Heating
330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE
FACILITIES

330.3910 Fire Protection
330.3920 Fire Department Service and Water Supply
330.3930 Occupancy and Fire Areas
330.3940 Exit Facilities and Subdivision of Floor Areas
330.3950 Stairways, Vertical Openings, and Doorways
330.3960 Exit and Fire Escape Lights and Directional Signs
330.3970 Hazardous Areas and Combustible Storage
330.3980 Fire Alarm and Detection System
330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
330.4220 Medical and Personal Care Program
330.4230 Restraints

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330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
 330.4330 Facility Implementation

330.4510 Day Care in Long-Term Care Facilities

330.APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 330.APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
 330.APPENDIX C Forms for Day Care in Long-Term Care Facilities
 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 330.TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24606, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days.

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NOTE: Italics and capitalization denote statutory language.

Section 330.260 Issuance of Conditional Licenses
 EMERGENCY

a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)

b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON ON THE TIMELY CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)

c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF ~~THIS ACT AND THE RULES PROMULGATED THEREUNDER~~ the Act and this Part WHICH PREVENT FULL LICENSURE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 ~~OF THE ACT~~ of the Act TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)

d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER ~~THE ACT~~ Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)

e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective

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date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER ~~THE ACT~~ Section 3-119 of the Act. (Section 3-316 of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

Section 330.271 Presentation of Findings
EMERGENCY

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.
- c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.
- d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.
- e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.

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- d) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.
 - e) The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.
 - f) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. Video-taped recordings shall not be allowed.
 - g) Surveyors shall not conduct an exit conference for the following reasons:
 - 1) The facility administrator or designee requests that an exit conference not be held;
 - 2) During a scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.
- (Source: Emergency rule added at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

Section 330.278 Plans of Correction
EMERGENCY

- a) A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL-B VIOLATION for a Type B violation, or after receipt of a notice under Section 330.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)
- b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the

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facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
 - 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
 - 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
 - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
 - 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
 - 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
- f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the REASON FOR THE REJECTION. THE FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF THE

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NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)

- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), or anytime the Department issues a Type A or repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) an approved plan of correction will be imposed by the Department.
- h) The Department shall verify the completion of the correction action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

Section 330.290 Quarterly List of Violators
EMERGENCY

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:
 - 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 330.286 of this Part and Section 3-305(1) of the Act.
 - 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 330.180 of this Part and Section 3-119 of the Act.
 - 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 330.175 of this Part and Section 3-119 of the Act.
 - 4) Issued a NOTICE TO SUSPEND the facility's license as provided in Section 3-119 of the Act.
 - 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 330.260 of this Part and Section 3-313 of the Act, except where the terms of the conditional license have been stayed pursuant to Section 330.260(d).
 - 6) PLACED A MONITOR ~~IN THE FACILITY~~ in the facility as provided in Section 330.270 of this Part and Section 3-501 of the Act for one of the following reasons:
 - A) The facility is operating without a license.

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- 1) The Heading of the Part:
Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Numbers:
300.260 Amendments
300.271 New Section
300.278 Amendments
300.290 Amendments
- 4) Statutory Authority:
Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.
[210 ILCS 45/1-101 et seq. (1992)]
- 5) Effective Date of Emergency Amendments:
February 3, 1993
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:
N/A
- 7) Date Filed in Agency's Principal Office:
February 3, 1993
- 8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the

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- B) The Department has revoked or refused to renew the license of the facility.
- C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
- D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.
- 7) INITIATED AN ACTION TO APPOINT A RECEIVER.
- 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)
- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

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survey process.

9) A Complete Description of the Subjects and Issues Involved:

Section 300.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.

Section 300.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.

Section 300.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.

Section 300.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 300.260(d).

The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.

10) Are there any proposed amendments to this Part pending?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
300.1035	New Section	16 Ill. Reg. 16541
300.630	Amendments	16 Ill. Reg. 17555
300.175	Amendments	17 Ill. Reg. 1346
300.180	Amendments	17 Ill. Reg. 1346
300.270	Amendments	17 Ill. Reg. 1346
300.630	Amendments	17 Ill. Reg. 1346
300.660	Amendments	17 Ill. Reg. 1346

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
300.665	Amendments	17 Ill. Reg. 1346
300.3210	Amendments	17 Ill. Reg. 1346
300.3330	Amendments	17 Ill. Reg. 1346

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse License Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
EMERGENCY	
300.270	Monitor and Receivership
300.271	Presentation of Findings
EMERGENCY	
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
EMERGENCY	
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties

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PART 300
EMERGENCY
Quarterly List of Violators
Alcoholism Treatment Programs In Long-Term Care Facilities
Department May Survey Facilities Formerly Licensed
Waivers
Definitions
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

300.510 Administrator

SUBPART C: POLICIES

300.610 Resident Care Policies
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.665 Student Interns
300.670 Disaster Preparedness
300.680 Restraints and Safety Devices
300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

300.810 General
300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1040 Behavior Emergencies
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

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300.1210 General Requirements for Nursing and Personal Care
 300.1220 Supervision of Nursing Services
 300.1230 Staffing
 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

300.1410 Activity Program
 300.1420 Specialized Rehabilitation Services
 300.1430 Work Programs

SUBPART H: MEDICATIONS

300.1610 Medication Policies and Procedures
 300.1620 Conformance With Physician's Orders
 300.1630 Administration of Medication
 300.1640 Labeling and Storage of Medications
 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

300.1810 Resident Record Requirements
 300.1820 Content of Medical Records
 300.1830 Records Pertaining to Residents' Property
 300.1840 Retention and Transfer of Resident Records
 300.1850 Other Resident Record Requirements
 300.1860 Staff Responsibility for Medical Records
 300.1870 Retention of Facility Records
 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

300.2010 Director of Food Services
 300.2020 Dietary Staff in Addition to Director of Food Services
 300.2030 Hygiene of Dietary Staff
 300.2040 Diet Orders
 300.2050 Adequacy of Diet and Meal Pattern
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 300.2070 Scheduling Meals
 300.2080 Menu Planning
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 300.2100 Food Handling Sanitation
 300.2110 Kitchen Equipment, Utensils, and Supplies

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SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY
 300.2210 Maintenance
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SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

300.2610 Codes
 300.2620 Water Supply
 300.2630 Sewage Disposal
 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.2810 Applicability of these Standards
 300.2820 Codes and Standards
 300.2830 Preparation of Drawings and Specifications
 300.2840 Site
 300.2850 Administration and Public Areas
 300.2860 Nursing Unit
 300.2870 Dining, Living, Activities Rooms
 300.2880 Therapy and Personal Care
 300.2890 Service Departments
 300.2900 General Building Requirements
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 300.2920 Mechanical Systems
 300.2930 Plumbing Systems
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.3010 Applicability
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 300.3030 Preparation of Drawings and Specifications

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300.3040 Site
 300.3050 Administration and Public Areas
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 300.3100 General Building Requirements
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SUBPART P: RESIDENT'S RIGHTS

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 300.3220 Medical and Personal Care Program
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 300.3240 Abuse and Neglect
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 300.3270 Residents' Advisory Council
 300.3280 Contract With Facility
 300.3290 Private Right of Action
 300.3300 Transfer or Discharge
 300.3310 Complaint Procedures
 300.3320 Confidentiality
 300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

300.3410 Application of Other Divisions of These Minimum Standards
 300.3420 Administrator
 300.3430 Policies
 300.3440 Personnel
 300.3450 Resident Living Services Medical and Dental Care
 300.3460 Resident Services Program
 300.3470 Psychological Services
 300.3480 Social Services
 300.3490 Recreational and Activities Services
 300.3500 Individual Treatment Plan
 300.3510 Health Services
 300.3520 Medical Services
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300.3540 Optometric Services
 300.3550 Audiometric Services
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 300.3590 Resident Care Services
 300.3600 Record Keeping
 300.3610 Food Service
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
 300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

300.3710 Day Care in Long-Term Care Facilities

300.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
 300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
 300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation
 300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
 300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
 300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
 300.TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983;

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amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 544, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 300.260
EMERGENCY

Issuance of Conditional Licenses

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON THE TIMELY CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)
- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THE ACT AND THIS PART OF THE ACT and this Part WHICH PREVENT FULL LICENSE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING

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- d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)
- e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT Section 3-119 of the Act. (Section 3-316 of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

Section 300.271
EMERGENCY

Presentation of Findings

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, survivors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed,

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findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.

c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.

d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.

e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.

f) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.

g) The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.

h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. Video-taped recordings shall not be allowed.

i) Surveyors shall not conduct an exit conference for the following reasons:

- 1) The facility administrator or designee requests that an exit conference not be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

held;

- 2) During a scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

(Source: Emergency rule added at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

Section 300.278 Plans of Correction EMERGENCY

- a) A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL B VIOLATION for a Type B violation, or after receipt of a notice under Section 300.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)

- b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:

- 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:

- 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
- 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
- 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
- 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
- 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.

f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the REASON FOR THE REJECTION. THE FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)

g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), or anytime the Department issues a Type A or repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) an approved plan of correction will be imposed by the Department.

h) The Department shall verify the completion of the correction action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

Section 300.290
EMERGENCY

Quarterly List of Violators

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:

- 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 300.286 of this Part and Section 3-305(1) of the Act.
- 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 300.180 of this Part and Section 3-119 of the Act.
- 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 300.175 of this Part and Section 3-119 of the Act.
- 4) Issued a NOTICE TO SUSPEND the facility's license as provided in Section 3-119 of the Act.
- 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 300.260 of this Part and Section 3-313 of the Act, except where the terms of the conditional license have been stayed pursuant to Section 300.260(d).

6) PLACED A MONITOR ~~IN THE FACILITY~~ in the facility as provided in Section 300.270 of this Part and Section 3-501 of the Act for one of the following reasons:

- A) The facility is operating without a license.
- B) The Department has revoked or refused to renew the license of the facility.
- C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
- D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER.

8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)

- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED; A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE OF ADMINISTRATIVE RULES

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.492
Proposed Action: Amendment
- 4) Date Notice of Proposed Amendments Published in the Register:
September 4, 1992 (16 Ill. Reg. 13397)
- 5) Date JC&R Statement of Objection Published in the Register:
January 29, 1993 (17 Ill. Reg. 1241)
- 6) Summary of Action Taken by the Agency:

The Joint Committee on Administrative Rules issued an objection to amendments to Section 140.492 which were proposed by the Department of Public Aid on September 4, 1992, at 16 Ill. Reg. 13397. Specifically, the Joint Committee objected to the proposed amendments because "the Department's failure to allow for separate payment for oxygen when Medicaid clients receive ALS [advanced life support] services, contrary to statutory intent expressed in P.A. 87-1199, results in economic hardship for ambulance companies providing the service."

The Department disagrees with both specific objections. The Department does not believe that the amendments to Section 140.492 violate the intent of P.A. 87-1199. In addition, the Department does not believe that the amendments will result in an economic hardship for ambulance companies.

P.A. 87-1199 requires the Department to make the reimbursement system for ambulances under Medicaid consistent with the Medicare program "to the extent necessary and practicable and subject to the availability of funds appropriated by the General Assembly for this purpose." The Department is evaluating the differences between ambulance reimbursement under Medicaid and Medicare and will make any necessary changes in compliance with P.A. 87-1199. However, current appropriations for ambulance reimbursement under Medicaid do not include separate payment for oxygen in connection with advanced life support services. Since the provisions of P.A. 87-1199 are specifically subject to available appropriations, the Department's failure to provide for such separate oxygen reimbursement in the amendments to Section 140.492 does not conflict with those provisions.

The amendments to Section 140.492 will not result in economic hardship for ambulance companies because the amendments simply clarify the Department's

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE OF ADMINISTRATIVE RULES

current policy of not providing separate payment for oxygen in connection with advanced life support services. The Department has clearly informed ambulance companies of its policy through direct notices and instructions in its provider handbook. The Department has enforced that policy since at least 1990. Since the Department policy has not allowed for separate reimbursement for oxygen in connection with advanced life support services, the amendments to Section 140.492 to clearly state this policy in the Department's rules will not result in any loss of reimbursement for ambulance companies.

Based on these responses, the Department refuses to modify or withdraw the proposed amendments in response to the Joint Committee's objection.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of Part: Processing of Claims for Payment from the Underground Storage Tank Fund
- 2) Code Citation: 35 Ill. Adm. Code 876
- 3) Section Number:
876.200
- 4) Notice of Emergency Rules published in the Illinois Register:
October 16, 1992, 16 Ill. Reg. 16191
- 5) JCAR Statement of Objection to Emergency Rules published in the Illinois Register:
December 4, 1992, 16 Ill. Reg. 18856
- 6) Date Agency submitted this modification to JCAR for approval: February 9, 1993
- 7) Summary of action taken by the Agency: Emergency Rule adopted October 6, 1992; Modification to Emergency Rule adopted February 9, 1993. The modification changes the priority date in 35 Ill. Adm. Code 876.200(b)(3) for payment of appealed Agency payment determinations to be the same priority data assigned to the original request for partial or final payment.

The full text of the Section of the emergency rules being modified begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE HANDLING AND DISPOSAL
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 876

PROCESSING CLAIMS FOR PAYMENT FROM THE UNDERGROUND STORAGE TANK FUND

SUBPART A: GENERAL

Section
 876.100 Applicability
 EMERGENCY
 876.105 Severability
 EMERGENCY
 876.110 Definitions
 EMERGENCY

SUBPART B: REQUIREMENTS FOR PROCESSING OF CLAIMS

Section
 876.200 Payment Prioritization
 EMERGENCY

AUTHORITY: Implementing and authorized by Section 22.18b of the Environmental Protection Act (Ill. Rev. Stat. ch. 111 1/2, par. 1022.18b).

SOURCE: Emergency Rule adopted 16 Ill. Reg. 16191, effective October 6, 1992 for a maximum of 150 days; modified at 17 Ill. Reg. 2438.

NOTE: Capitalization denotes statutory language.

SUBPART B: REQUIREMENTS FOR PROCESSING OF CLAIMS

Section 876.200 Processing Prioritization
 EMERGENCY

- a) UPON RECEIPT OF NOTIFICATION FROM THE AGENCY THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET, THE COMPTROLLER SHALL MAKE PAYMENT TO THE OWNER OR OPERATOR OF THE AMOUNT APPROVED BY THE AGENCY, IF SUFFICIENT MONEY EXISTS IN THE FUND IN EXCESS OF AMOUNTS APPROPRIATED FOR ADMINISTERING THE ACTIVITIES OF THE AGENCY, THE STATE FIRE MARSHAL AND THE DEPARTMENT OF REVENUE RELATIVE TO THE FUND. IF THERE IS INSUFFICIENT MONEY IN THE FUND, THEN PAYMENT SHALL NOT BE PAID; HOWEVER, SUCH PAYMENTS MAY BE PAID IF SUFFICIENT MONEY LATER BECOMES AVAILABLE. (Section 22.18b(d)(1) of the Act)

IN NO CASE SHALL THE FUND OR THE STATE OF ILLINOIS BE LIABLE TO PAY CLAIMS OR REQUESTS FOR COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

IF MONEY IN THE FUND IS INSUFFICIENT TO MEET SUCH CLAIMS OR REQUESTS. (Section 22.18b(d)(2) of the Act)

- b) The priority for processing claims will be based on the date that a complete request for partial or final payment is received from the owner or operator by the Remedial Projects Accounting and Procurement Unit, Division of Remediation Management, Bureau of Land, Illinois Environmental Protection Agency.

- 1) For purposes of processing prioritization, a complete request for partial or final payment must contain:
 - A) Proof of an Agency approved corrective action plan;
 - B) Proof of an Agency determination of eligibility pursuant to Section 22.18b(a) of the Act;
 - C) An accounting of all costs, in a form prescribed and provided by the Agency, demonstrating that the costs incurred to perform the corrective action were reasonable;
 - D) Proof of payment of the applicable deductible amount;
 - E) An owner or operator billing certification on a form prescribed and provided by the Agency; and.
 - F) A corrective action plan certification, on a form prescribed and provided by the Agency, by a professional engineer who has been registered pursuant to "An Act to regulate the practice of Professional Engineering (Ill. Rev. Stat. 1991, ch. 111, par. 5101 et seq.).
- 2) A complete request for partial or final payment may be submitted no sooner than 90 days after the owner or operator submits both an eligibility and deductible application, on forms prescribed and provided by the Agency, and a corrective action plan.
- 3) If the owner or operator appeals a final Agency payment determination before the Board, and it is the Board determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment will be the same as the priority date assigned to the original request for partial or final payment the owner or operator's claim will be based on the date of the Board's final order and opinion.
- c) The owner or operator must obtain written Agency approval of a corrective action plan prior to commencing any corrective action

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

activities, except that the owner or operator may incur corrective action costs prior to approval of a corrective action plan for costs associated with:

- 1) preparing a 20 day report pursuant to 35 Ill. Adm. Code 731.162;
- 2) preparing a 45 day report pursuant to 35 Ill. Adm. Code 731.163; or
- 3) preparing a corrective action plan pursuant to 35 Ill. Adm. Code 731.166.

- d) Eligibility and deductible applications and corrective action plans shall be sent to the Agency as follows:

LUST Eligibility and Deductible Determinations
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

- e) Requests for payment under this part shall be sent to the Agency as follows:

LUST Payment Request
Remedial Projects Accounting & Procurement Unit
Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

- f) If the owner or operator fails to comply with any subsection of this Subpart any request for partial or final payment will not be processed for payment.

(Source: Emergency Rule adopted 16 Ill. Reg. 16191, effective October 6, 1992 for a maximum of 150 days, modified at 17 Ill. Reg. 2438.)

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 3, 1993 through February 9, 1993, and have been scheduled for review by the Committee at its March 9, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/19/93	Department of Central Management Services, Conditions of Employment (80 Ill Adm Code 303)	12/18/92 16 Ill Reg 19285	3/9/93
3/19/93	Environmental Protection Agency, Procedures for Operation of the Non-Hazardous Solid Waste Fee System (35 Ill Adm Code 858)	3/27/92 16 Ill Reg 4621	3/9/93
3/19/93	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	11/30/92 16 Ill Reg 17956	3/9/93
3/22/93	Treasurer, Merit and Fitness (80 Ill Adm Code 620)	10/9/92 16 Ill Reg 15347	3/9/93
3/22/93	Department of Commerce and Community Affairs, Emergency Community Services Homeless Grant Program (47 Ill Adm Code 125)	12/11/92 16 Ill Reg 18879	3/9/93
3/22/93	Comptroller, Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 775)	9/11/92 16 Ill Reg 13710	3/9/93
3/22/93	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	10/16/92 16 Ill Reg 15813	3/9/93
3/22/93	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	10/30/92 16 Ill Reg 16495	3/9/93

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

3/22/93	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	11/6/92 16 Ill Reg 17047	3/9/93
3/22/93	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	11/6/92 16 Ill Reg 17049	3/9/93
3/22/93	Department of Rehabilitation Services, Non-Financial Eligibility Criteria (89 Ill Adm Code 685)	12/11/92 16 Ill Reg 18947	3/9/93
3/22/93	Department of Rehabilitation Services, Non-Academic Programs and Policies (89 Ill Adm Code 830)	12/4/92 16 Ill Reg 18759	3/9/93
3/22/93	Secretary of State, Procedures and Standards (92 Ill Adm Code 1001)	12/18/92 16 Ill Reg 19761	3/9/93
3/22/93	Department on Aging, Community Care Program (89 Ill Adm Code 240)	10/9/92 16 Ill Reg 15203	3/9/93
3/24/93	Environmental Protection Agency, Annual Emissions Report (35 Ill Adm Code 254)	11/13/92 16 Ill Reg 17195	3/9/93

PROCLAMATION

93-028
MUSIC IN OUR SCHOOLS DAY

Whereas, music is a powerful, aesthetic force that dignifies the realm of feeling by merging intellect and emotion into a single art form; and

Whereas, music is a component in the lives of millions of people who participate in performing, listening, and observing experiences developed through music in schools; and

Whereas, it is fitting for our state to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in school curriculums; and

Whereas, on March 11, the Illinois Music Education Association (IMEA) is hosting Music in Our Schools Day, with the Theme "IMEA Visits Springfield--A Capitol Idea," during which about 700 students will give choral performances;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 11, 1993, as MUSIC IN OUR SCHOOLS DAY in Illinois. Issued by the Governor January 26, 1993.

Filed with the Secretary of State February 5, 1993.

93-029
ENGINEERS WEEK

Whereas, the engineering community of this state has provided a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and

Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1993 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 14-20, 1993, as ENGINEERS WEEK in Illinois in conjunction with the national observance and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued by the Governor January 28, 1993.

Filed with the Secretary of State February 5, 1993.

93-030
FUTURE BUSINESS LEADERS OF AMERICA-
PHI BETA LAMBDA WEEK

Whereas, the State of Illinois recognizes the youth of our nation as the foundation of America's thriving business

structure; and

Whereas, Future Business Leaders of America-Phi Beta Lambda represent nearly 200,000 young men and women who have an enthusiastic interest in the business world. In Illinois, there are 3,500 members from 90 high schools and 15 colleges; and

Whereas, this national organization provides a valuable service to our communities and our young people by encouraging the development of competent, aggressive business leadership; strengthening students' self-confidence; creating a greater understanding of American enterprise; and facilitating the transition from school to work;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 14-20, 1993, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois in conjunction with the national observance.

Issued by the Governor January 28, 1993.

Filed with the Secretary of State February 5, 1993.

93-031

MELBA JOHNSON DAY

Whereas, Melba Johnson is a long-time friend of the Edgar family; and

Whereas, Melba and her husband R. C. once lived in the Illinois metropolis of Charleston, where they became acquainted with Betty Edgar, who was R.C.'s secretary; Fred Edgar; and soon-to-be Secretary of State and Governor Jim Edgar; and

Whereas, Melba worked for the office of the Illinois Secretary of State in the late 1980s, where she shaped up the driver services and customer services divisions; and

Whereas, having foreseen my daughter's interest in attending Miami University, I strategically stationed the Johnsons in Oxford, Ohio, in 1990 -- Melba in the customer service training office and R. C. as athletic director, both at the University; and

Whereas, Melba and R.C. have become our ears and eyes in Oxford, and gracious hosts to Brenda and I when we visit the college campus; and

Whereas, Melba will reach the illustrious age of 50 on February 2, and the Johnsons are marking the occasion with a birthday party on January 30;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2, 1993, MELBA JOHNSON DAY in Illinois and wish her nothing but the best in the years to come.

Issued by the Governor January 28, 1993.

Filed with the Secretary of State February 5, 1993.

93-032

NUTRITION MONTH

Whereas, the Illinois Department of Public Health, along with nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and

Whereas, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and

Whereas, in keeping with the theme of the national observance -- "Eat Right, America" -- all Illinoisans should become aware that proper nutrition is vital at all stages of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1993 as NUTRITION MONTH in Illinois and urge citizens to increase their awareness of the significance of good nutrition.

Issued by the Governor January 28, 1993.

Filed with the Secretary of State February 5, 1993.

93-033

BLACK NURSES' DAY

Whereas, black nurses from all areas of the nursing profession seek to continue their commitment and dedication of service to this highly respected profession; and

Whereas, black nurses directly and indirectly influence the health care of people in Illinois, the United States, and around the world; and

Whereas, since the inception of the National Black Nurses' Association, Inc., in Akron, Ohio, in 1971, members have adhered to the philosophy of "Excellence of Service"; and

Whereas, the National Black Nurses' Association, Inc. continues to perpetuate a public awareness of the outstanding contributions made by black nurses in the nursing profession and to the health care industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 5, 1993, as BLACK NURSES' DAY in Illinois, and I wish the National Black Nurses' Association, Inc. success in all of its endeavors.

Issued by the Governor February 1, 1993.

Filed with the Secretary of State February 5, 1993.

93-034

CHILD PASSENGER SAFETY AWARENESS WEEK

Whereas, 1993 is the 10th anniversary of the enactment of the Child Passenger Protection Law in Illinois; and

Whereas, all 50 states, the District of Columbia, and Puerto Rico have enacted laws requiring the use of child passenger protection systems; and

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Whereas, more children in the United States are killed and crippled in motor vehicle crashes than from any other cause of injury; and

Whereas, when used correctly, child safety seats are 70 percent effective in preventing fatalities and serious injuries. An estimated 53,000 serious injuries and 500 lives would be saved each year if child safety seats were used on a nationwide basis; and

Whereas, in Illinois, children under age four must be secured in an approved child restraint system. Four- and five-year-olds must be secured either in a safety seat or by a safety belt; and Whereas, parents or legal guardians of children under the age of four years are responsible for providing a child safety seat to anyone who transports his or her child;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8-14, 1993, as CHILD PASSENGER SAFETY AWARENESS WEEK in Illinois in recognition of every child's right to adequate protection when riding in a motor vehicle. I encourage everyone to be aware of the lifesaving benefits of the proper use of child safety seats and safety belts to protect against the risk of death or injury on every ride.

Issued by the Governor February 4, 1993.

Filed with the Secretary of State February 5, 1993.

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CAPITAL DEVELOPMENT BOARD
4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006)
(P-2105) (E-2361)
80 Ill. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590)
(P-14001/92; A-1819)
44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)
89 Ill. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)
89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)
89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)
89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)
89 Ill. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)
89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274)

COMMERCE COMMISSION, ILLINOIS
4 Ill. Adm. Code 400 Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)
83 Ill. Adm. Code 756 Dual Party Relay Service (P-14004/92; A-1848)
92 Ill. Adm. Code 1360 Equipment Leases (P-1685)
83 Ill. Adm. Code 255 Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)
83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Services (P-12810/92; A-805)
83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98; RQ-2075)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF
4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)
14 Ill. Adm. Code 520 Enterprise Zone Program (P-13691/92; A-1837)
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391/92; A-1511)
47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1)

COMMUNITY COLLEGE BOARD, ILLINOIS
23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-12274/92; A-1853)

ACTION CODES
A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
RQ - Request for Correction
EC - Expedited Corrections
P - Proposed Rule
PF - Prohibited Filing Order by JCAR*
PP - Peremptory or Court Ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR Objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR Objections
*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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			RQ	=	Request for Correction	EC	=	Expedited Correction
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180.22	n	(P-14006/92; A-123)	r	(P-1)
180.24	n	(P-14006/92; A-123)	r	(P-1)
180.30	am	(P-14006/92; A-123)	r	(P-1)
180.92	n	(P-14006/92; A-123)	r	(P-1)
180.94	n	(P-14006/92; A-123)	r	(P-1)
180.100	am	(P-14006/92; A-123)	r	(P-1)
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1.350	am	(P-12808/92; A-600)	n	(P-11713/92; A-319)
1.515	n	(P-12808/92; A-600)	n	(P-11713/92; A-319)
1.530	am	(P-12808/92; A-600)	n	(P-11713/92; A-319)
1.610	am	(P-12808/92; A-600)	n	(P-11713/92; A-319)
1.620	am	(P-12808/92; A-600)	n	(P-11713/92; A-319)
1.630	am	(P-12808/92; A-600)	n	(P-11713/92; A-319)
610.100	n	(P-1697)	n	(P-11713/92; A-319)
610.110	n	(P-1697)	n	(P-11713/92; A-319)
610.120	n	(P-1697)	n	(P-11713/92; A-319)
610.200	n	(P-1697)	n	(P-11713/92; A-319)
610.210	n	(P-1697)	n	(P-11713/92; A-319)
610.220	n	(P-1697)	n	(P-11713/92; A-319)
610.230	n	(P-1697)	n	(P-11713/92; A-319)
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370.207	n		802.20	(P-44) (E-163)
370.208	n		802.30	(P-44) (E-163)
370.209	n		802.40	(P-44) (E-163)
370.210	n		802.50	(P-44) (E-163)
370.211	n		802.60	(P-44) (E-163)
370.212	n		802.70	(P-44) (E-163)
370.301	n		802.80	(P-44) (E-163)
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370.304	n		805.30	(P-42) (E-154)
370.305	n		805.40	(P-42) (E-154)
370.401	n		805.50	(P-42) (E-154)
370.402	n		805.60	(P-42) (E-154)
370.501	n		805.70	(P-42) (E-154)
370.502	n		927.10	(P-2106)
370.503	n		927.20	(P-2106)
370.504	n		927.30	(P-2106)
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370.506	n		932.40	(P-7279/92; O-1240)
370.507	n		932.60	(P-7279/92; O-1240)
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370.603	n		2013.30	(P-10375/92; A-1525)
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370.605	n		2013.50	(P-10375/92; A-1525)
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370.702	n		2013.70	(P-10375/92; A-1525)
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370.903	n			(P-10)
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370.1001	n			(P-10)
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740.5	n	(P-585)	300.260	am	(E-2420)
740.10	am	(P-585)	300.270	am	(P-1346)
740.20	am	(P-585)	300.271	n	(E-2420)
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750.20	r	(P-762)	300.665	am	(P-1346)
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750.30	r	(P-777)	300.3210	am	(P-1346)
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750 Ap.F	n	(P-777)	350.278	am	(E-2373)
750 Ap.G	n	(P-777)	350.290	am	(E-2373)
750 Ap.H	n	(P-777)	350.640	am	(P-1269)
750 Ap.I	n	(P-777)	350.680	am	(P-1269)
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2765.5	am	(P-12006/92; A-308)	1210.110	am
2765.50	am	(P-12006/92; A-308)	1210.120	r
2765.64	n	(P-12006/92; A-308)	1210.140	am
2765.66	am	(P-12006/92; A-308)	1210.150	am
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			1455.80	n
			1455.90	n
			1456.00	n
			1456.10	n
			1456.20	n
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			1483.60	n
			1483.70	n
			1483.80	n
			1483.90	n
			1484.00	n
			1484.10	n
			1484.20	n
			1484.30	n
			1484.40	n
			1484.50	n

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390.271	n	(E-2390)	840.310	am	(P-4329/92; A-2319)
390.278	am	(E-2390)	840.Ap.B		
390.290	am	(E-2390)	.Ex.A	am	(P-4329/92; A-2319)
390.640	am	(P-1296)	.II.A	r	(P-4329/92; A-2319)
390.680	am	(P-1296)	.Ex.B	n	(P-4329/92; A-2319)
390.685	am	(P-1296)	.II.B	r	(P-4329/92; A-2319)
390.3210	am	(P-1296)	840.Ap.C		
390.3330	am	(P-1296)	.Ex.B	am	(P-4329/92; A-2319)
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693.15	am	(E-1213)	845.15	n	(P-12314/92; A-1884)
693.20	am	(E-1213)	845.20	am	(P-12314/92; A-1884)
694.20	am	(P-13414/92; A-2306)	845.23	n	(P-12314/92; A-1884)
694.100	am	(P-13414/92; A-2306)	845.25	n	(P-12314/92; A-1884)
694.110	am	(P-13414/92; A-2306)	845.26	n	(P-12314/92; A-1884)
694.120	am	(P-13414/92; A-2306)	845.28	n	(P-12314/92; A-1884)
694.Ap.A	r	(P-13414/92; A-2306)	845.29	n	(P-12314/92; A-1884)
694.Ap.B	r	(P-13414/92; A-2306)	845.30	am	(P-12314/92; O-1243)
697.20	am	(E-1204)			(P-12314/92; A-1884; M-2073)
697.30	am	(E-1204)	845.40	am	(P-12314/92; A-1884)
750.540	am	(P-723)	845.50	am	(P-12314/92; A-1884)
750.1810	am	(P-723)	845.60	r	(P-12314/92; A-1884)
750.1820	am	(P-723)	845.Ap.A	n	(P-12314/92; A-1884)
750.1830	am	(P-723)	845.Ex.A	n	(P-12314/92; A-1884)
750.1855	n	(P-723)	845.Ex.B	n	(P-12314/92; A-1884)
750.1865	am	(P-723)	845.Ex.C	n	(P-12314/92; A-1884)
750.Ap.B	am	(P-723)	845.Ap.B	n	(P-12314/92; A-1884)
750.Ap.C	am	(P-723)	845.Ap.C	n	(P-12314/92; A-1884)
750.Ap.E	n	(P-723)	845.II.A	n	(P-12314/92; A-1884)
775.10	am	(P-906)	845.Ap.D	n	(P-12314/92; A-1884)
775.20	am	(P-906)	845.II.A	n	(P-12314/92; A-1884)
775.70	am	(P-906)	845.Ap.E	n	(P-12314/92; A-1884)
775.110	am	(P-906)	1120.20	n	(P-5205/92; RC-1244)
775.140	am	(P-906)	1120.120	n	(P-5205/92; RC-1244)
775.150	n	(P-906)	1120.310	n	(P-5205/92; RC-1244)
785.110	am	(P-920)	1120.Ap.A	n	(P-5205/92; RC-1244)
785.120	am	(P-920)	1130.Ap.A	am	(P-4755/92; O-1242)
785.200	am	(P-920)	1235.10	n	(E-432) (P-683)
785.290	am	(P-920)	1235.20	n	(E-432) (P-683)
785.300	am	(P-920)	1235.30	n	(E-432) (P-683)
785.355	n	(P-920)	1235.40	n	(E-432) (P-683)
785.578	n	(P-920)	1235.50	n	(E-432) (P-683)
785.1210	n	(P-920)	1235.100	n	(E-432) (P-683)
785.1220	n	(P-920)	1235.200	n	(E-432) (P-683)
840.20	am	(P-4329/92; A-2319)	1235.210	n	(E-432) (P-683)
840.115	am	(P-4329/92; A-2319)	1235.220	n	(E-432) (P-683)
840.210	am	(P-4329/92; A-2319)	1235.230	n	(E-432) (P-683)

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1235.300 n	(E-432) (P-683)	(P-8269/92; A-98;
1235.310 n	(E-432) (P-683)	RQ-207/5)
2510.60 am	(P-1695) (E-2031)	(P-12810/92; A-805)
2510.70 am	(P-1695) (E-2031)	(P-202)
2510.90 n	(P-1695) (E-2031)	(P-202)
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310.290 am	(P-191; C-672)	(P-202)
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310.450 am	(P-14001/92; A-1819)	(P-14004/92; A-1848)
310.455 am	(P-14001/92; A-1819)	
310.470 am	(P-14001/92; A-1819)	
310.530 am	(P-14001/92; A-1819)	
310.540 am	(P-14001/92; A-1819)	
310.Ap.C am	(P-14001/92; A-1819)	
310.Ap.D am	(P-14001/92; A-1819)	
310.Ap.A am	(PP-498) (P-13179/92; A-590)	
	(P-13179/92; A-590)	
.Tb.M n	(PP-498)	
.Tb.N am	(P-13679/92; A-238)	
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310.Ap.C am	(P-15342/92; A-1652)	
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1650.240 am	(P-12384/92; A-1631)	
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1650.520 am	(P-12384/92; A-1631)	
1650.570 am	(P-12384/92; A-1631)	
1650.620 am	(P-12384/92; A-1631)	
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	275.20 am	
	280.138 am	
	315.10 am	
	315.20 am	
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	100.7010 am	
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	105.200 n	
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	105.300 n	
	105.310 n	
	105.320 n	
	105.330 n	
	105.340 n	
	105.400 n	
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	105.420 n	
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	105.500 n	
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	105.600 n	
	105.700 n	
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77.80	n	(P-1789)	r
77.90	n	(P-1789)	n
77.100	n	(P-1789)	r
77.110	n	(P-1789)	n
77.120	n	(P-1789)	r
77.130	n	(P-1789)	n
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453.10	n	(P-2186)	r
453.20	n	(P-2186)	n
453.30	n	(P-2186)	r
522.20	am	(P-981)	r
522.30	am	(P-981)	n
522.50	am	(P-981)	r
522.80	am	(P-981)	n
522.120	am	(P-981)	r
522.130	r	(P-981)	n
522.150	n	(P-981)	r
522.200	am	(P-981)	n
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1001.500	n	(P-1758) (E-2047)	r
1001.510	n	(P-1758) (E-2047)	n
1001.520	n	(P-1758) (E-2047)	r
1001.530	n	(P-1758) (E-2047)	n
1001.540	n	(P-1758) (E-2047)	r
1030.16	n	(P-956) (E-1219)	n
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1030.18	n	(P-956) (E-1219)	n
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1360.40	am	(P-1685)	n
2520.26	r	(P-566)	r
2520.105	n	(P-542)	n
2520.105	r	(P-566)	r
2520.110	n	(P-542)	n
2520.110	r	(P-566)	r
2520.200	n	(P-542)	n
2520.200	r	(P-566)	r
2520.201	n	(P-542)	n
2520.201	r	(P-566)	r
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2520.302	r	(P-566)	r
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2520.304	n	(P-542)	n
2520.304	r	(P-566)	r
2520.305	n	(P-542)	n
2520.305	r	(P-566)	r
2520.400	n	(P-542)	n
2520.400	r	(P-566)	r
2520.401	n	(P-542)	n
2520.401	r	(P-566)	r
2520.402	n	(P-542)	n
2520.402	r	(P-566)	r
2520.403	n	(P-542)	n
2520.403	r	(P-566)	r
2520.404	n	(P-542)	n
2520.404	r	(P-566)	r
2520.405	n	(P-542)	n
2520.405	r	(P-566)	r
2520.406	n	(P-542)	n
2520.406	r	(P-566)	r
2520.500	n	(P-542)	n
2520.501	n	(P-542)	n
2520.502	n	(P-542)	n
2520.503	n	(P-542)	n
2520.504	n	(P-542)	n
2520.600	r	(P-566)	r
2520.600	n	(P-542)	n
2520.601	r	(P-566)	r
2520.602	r	(P-566)	r
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